

EMERGENCY POWERS IN DEMOCRATIC STATES AND THE OUTBREAK OF CONFLICT

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## CHAPTER I

### Introduction

On November 13, 2015, a series of coordinated terror attacks struck Paris, France. Terrorists backed by the Islamic State perpetrated coordinated suicide bombings and mass shootings at the Stade de France, several local restaurants and cafes, and the Bataclan theatre. These attacks killed 130 individuals and injured several hundred, a significant escalation over the January 2015 attacks on the Charlie Hebdo offices and a Jewish supermarket in Paris that left 17 dead and 22 wounded. France had not seen such casualties on its home soil since the destruction of World War II. These attacks continued a growing trend of terrorist violence perpetrated by non-state actors. That evening, President François Hollande chaired an urgent meeting of the French cabinet in which the government declared the first national state of emergency in France since 1961. Less than a week later the Parliament extended the initial proclamation for three months, and in the months that followed the Parliament authorized additional extensions such that the state of emergency is not set to expire until November 2017.

Under Article 16 of the French Constitution of 1958, “Where the institutions of the Republic, the independence of the Nation, the integrity of its territory or the fulfillment of its international commitments are under serious and immediate threat, and where the proper functioning of the constitutional public authorities is interrupted, the President of the Republic shall take measures required by these circumstances.” This includes the declaration of a state of emergency. During the 2015-2017 state of emergency the French government removed several structural limitations that may have significantly increased its ability to respond to threats both foreign and domestic. However, the French security services and police also conducted previously outlawed raids on local mosques and closed a number of businesses belonging to France’s substantial Muslim population, all with minimal judicial oversight [Safdar, 2016].

This extension of political power to the executive in times of grave crisis is not unique to the French case. Democratic framers frequently centralize power in the hands of executive during periods of emergency, compromising some democratic principles to enhance national security when confronted by a heightened threat [Rossiter, 1948; Ferejohn and Pasquino, 2004]. From 1800 to 2012, 80 democracies adopted emergency provisions, formal legal acts that dictate the shifting roles of state actors and institutions during times of international or domestic crisis.<sup>1</sup> The invocation of emergency provisions varies dramatically but can reach great frequency. While India has declared a state of emergency just three times, the use of Necessity and Urgency Decrees in Argentina reached an average of 54.5 decrees per year during the presidency of Carlos

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<sup>1</sup>This accounts for over half of all democratic country-years during this time frame.

Menem, 36.5 decrees per year during the two years of Fernando de la Rúa's presidency, and 60 decrees per year under Nestor Kirchner [Capriata, 2008].<sup>2</sup> As the occurrence of non-state and civil violence increases, their invocation will likely rise dramatically, as the cases of France, Belgium (November 2015), and Turkey (July 2016) show.

These events highlight a long-standing question – how does the delicate balance between security and democracy shift during times of severe crisis? Answering this question entails first understanding exactly how and why the state's domestic institutions change during times of emergency. In this dissertation I significantly contribute to our ability to do so by providing the first comprehensive overview of emergency provisions in democratic states. While scholars have examined human rights violations under states of emergency [Hafner-Burton et al., 2011], scholars have yet to examine how emergencies change the distribution of political power within the state.

To remedy this, in Chapter 2 I present a systematic data collection on formal rules regarding states of emergency in democracies. For each provision, I have collected and codified the circumstances in which states of emergency can be declared, how long they last, the state's institutional structure during the state of emergency, and the extent and limitations of the powers granted to the state's leader to combat the crisis. Using Bayesian factor analysis, I develop a measure of the latent strength of the power of the executive in each of these emergency provisions across time.

Using this measure of emergency power strength within democracies, I then explore the origins of these powers in a systematic fashion. The elements that lead to an expectation of future turmoil, such as a history of violent political conflict or a looming international threat, increase the likelihood that states adopt stronger emergency powers. Additionally, states enact stronger emergency provision when they possess elements that exacerbate a time of emergency, such as institutional or physical features of the state that could increase grievance or decrease the government's ability to manage the population during times of crisis.

In Chapter 3, I study the impact of these emergency provisions on the outbreak of violence. Scholars argue that institutions in democracies constrain leaders and prevent international conflict. However, since many democracies specify rules of governance in times of emergency that divert substantial power to the head of state, the manipulation of these emergency powers provides a rational motivation for conflict. Using a novel dataset of emergency provisions within democracies, I test the relationship between emergency power strength and conflict propensity taking several steps to achieve causal inference, including an instrumental variable analysis that exploits the specificity of the state's constitution as a plausibly exogenous determinant of emergency power strength. I find that emergency power strength is a strong predictor of conflict onset in

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<sup>2</sup>This variation occurs for two reasons. First, states have varying formal circumstances in which emergency provisions can be invoked. Second, the events that lead to invocation are not distributed evenly among states. Some states are simply more likely to encounter international foes, terrorist violence, domestic disturbances, or natural disasters.

democracies in each test, and find that states with strong emergency powers are substantially more likely to enact a state of emergency due to an international conflict.

In Chapter 4, I consider a new type of violence - terrorist violence. Scholars frequently suggest that institutional constraints on the executive are necessary to prevent overly repressive executive actions that spur on further terrorist violence. However, few studies consider why an unconstrained executive might prefer to take such counterproductive action. Following recent work by Dragu & Polborn (2014), I suggest electoral incentives shape the leader's choices for how best to conduct counter-terror activity. I draw on experimental work regarding on individual response to terror to provide additional nuance to this theory, arguing that the public spurs on overly harsh reprisals for terror attacks that arise from an out-group but that terror events that arise from the in-group do not inspire such a response. I then test this argument empirically, using the nation of origin of the attacker to proxy for their social identity, and exploiting my data set on emergency power strength and data on declared states of emergency to capture within-country variation – in addition to between country variation – in executive constraints in democracies. I find that when emergency circumstances remove standard institutional constraints on the leader, the leader takes overly harsh counter terror measures that inspire further violence in the case of transnational terror but not domestic terror. This chapter greatly advances our understanding of the role of both democratic constraints and public preferences in driving or preventing terrorist violence.

The final section concludes with a discussion future avenues of research that will be possible using these data. These data allow scholars to consider the impact of terrorism on state institutions and human rights, as the motivating example suggests, as well as the influence of these institutions on the outbreak of international conflict and terrorist violence. This measure can further be used to assess the impact of emergency powers on a variety of political phenomena and examine a multitude of fundamental questions of comparative institutions, domestic political competition, civil unrest, natural disasters and more.

## CHAPTER II

### The Content, Causes, and Measurement of Emergency Powers in Democratic States

#### II.1 Introduction

The state of emergency is a longstanding historical feature of liberal forms of government, dating back at least to the Roman Republic [Rossiter, 1948]. In recent years, their prominence and use has risen tremendously. Following the terror attacks on November 13, 2015, the French government declared a state of emergency that persists to this day, and threatens to become permanent [Serhan, 2017]. On November 21, 2015, the Belgian government put its capital of Brussels on lockdown, including the closure of shops, schools, public transportation, music venues, and the cancellation of professional football, under the “serious and imminent” possibility of an attack by the ringleaders of the Paris attacks [Traynor, 2017]. On July 21, 2016, after a failed coup against the government, President Erdogan of Turkey declared a temporary state of emergency that nonetheless remains in place one year later [Kingsley, 2017]. These massive events have shaken the political landscape in a number of nations, and yet our understanding of the state of emergency remains limited.

Before we can begin to understand the impact of the state’s domestic institutions in times of emergency on political phenomena, it is vital that we first gain an understanding of how states of emergency can alter the normal proceedings of the state. That is the purpose of this first chapter, in which I examine emergency provisions across states and across time in a systematic empirical fashion. In the first section of the chapter, I present an overview of the data collection procedure. I then discuss the content of emergency provisions, providing the means of classifying these powers by their scope, depth and conditions, and discuss specific examples of emergency provisions codified in formal legal documents. The third section of the chapter explains the method for developing the measure of emergency power strength and displays some descriptive information about the measure. In the fourth section of the chapter, I explore the characteristics of democratic states that make emergency provision adoption most likely, as well as the determinants of emergency power strength, including a closer look at the relationship between peacetime institutions and institutions during periods of emergency. The final section concludes with a discussion of how this measure can further be used to assess the impact of emergency powers on a variety of political phenomena.

#### II.2 Coding Emergency Provisions

I will begin with an overview of the data collection procedure. I examine only democracies, where formal legal rules have the greatest strength.<sup>1</sup> I began with all states coded as a 6 or higher on Polity’s compos-

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<sup>1</sup>In an extension of this project, I will consider the role of emergency provisions in non-democratic states.

ite *Polity2* score for each year from 1800 to 2012, since these states are typically considered democracies [Marshall and Jaggers, 2001].<sup>2</sup> I use Polity scores as the basis for identifying democratic states as they are the most common measure of domestic political institutions in the literature on democracy, allowing scholars to meaningfully compare this study to previous work and use this measure in empirical work. Under this criterion, there are 119 states that were democratic for at least one year in the time frame. I then found the relevant emergency provisions contained in constitutions, amendments, and legislative acts for each of the 119 states in each year across time,<sup>3</sup> including historical constitutions, amendments, and relevant legislation.<sup>4</sup> Over time, these provisions have been adopted relatively consistently as the number of democratic states in the system increases, with a great number of these emergency provisions in place today.

Democratic states formalize the provision of emergency powers through two principal avenues: constitutions and legislation. Constitutions and constitutional amendments are the primary means through which states grant executive emergency powers, and 70% of democratic constitutions contain provisions for declaring a state of exception. Due to the relative stability of democratic constitutions, constitutional emergency provisions within democratic states persist for many years.<sup>5</sup> States also adopt emergency powers via legislative statutes.<sup>6</sup> States without a formal written constitution commonly adopt legislative emergency provisions, and some states with formal constitutions nevertheless codify emergency procedures through their legislative bodies.

Certain democracies that do not have institutional emergency provisions have developed a norm of enhanced executive discretion in times of emergency. The predominant example of a country with a convention of enhanced executive control in times of conflict is the United States. Indeed, scholars argue that the extension of executive powers during times of war is one of the primary ways through which the Presidency has gained power over time [Corwin, 1984]. Constitutional and legislative provisions may therefore be indicative of a latent trait in democracies – the centralization of executive power during times of conflict – that is not always formally institutionalized. However, there is a distinction between democracies with formal emergency powers and those with informal norms regarding periods of emergency. These formal emergency provisions set out common understandings of what the government can *legally* do. Since informal powers do not have a legal backing, if a leader takes emergency action under the auspices of norms it may provide a focal point to coordinate domestic opposition to challenge the leader's actions [Weingast, 1997], even in

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<sup>2</sup>There are two common cutoff points for democracy in the literature – Polity score greater than 6 and Polity score greater than 7. I err on the side of inclusion and use the broader definition of democracy.

<sup>3</sup>The Comparative Constitution Project [Elkins et al., 2009] formed the basis of this research, collecting state constitutions in their most recent iteration. Though the CCP provides some information on state emergency powers, it is not sufficiently comprehensive regarding shifts in political power for use in data analysis.

<sup>4</sup>Relevant legislation includes any legislation dictating state behavior in times of international crisis.

<sup>5</sup>Substantive changes to emergency powers occur in less than 4% of constitutional changes.

<sup>6</sup>Sixteen emergency provisions in the data come from legislative statutes.

times of conflict [Berinsky, 2009].<sup>7</sup> This is a fundamental difference between formal emergency powers and norm-based emergency powers.<sup>8</sup> This analysis includes only formal emergency powers and treats states with de facto powers as states without emergency powers.<sup>9</sup>

I examined 147 individual constitutions<sup>10</sup> and over 500 potentially relevant amendments and legislative acts for democratic states, finding 172 unique emergency power provisions that comprise the data. Having compiled a list of relevant formal documents, I developed a coding procedure to categorize them. On the whole, these categories account for the threshold of use, scope of application, depth of application, and duration of each provision. I first developed a number of criteria to assess when the government can declare a formal state of emergency according to each document. This includes first coding whether the democracy legally provides for a state of exception and what actors or bodies can formally declare the state of emergency. I then coded a series of indicators of the specific circumstances – such as attack, war, foreign aggression, civil conflict or upheaval, and natural disaster – under which states may declare a state of emergency.

I then documented changes to the traditional institutional order during a period of emergency. I coded a series of indicators of the level of formal power diverted to the effective leader in times of emergency. I use information on the effective leader for each state across time from Archigos [Goemans et al., 2009]. The effective leader denotes the Prime Minister in a parliamentary regime and the President in a presidential regime or mixed regime.<sup>11</sup> These measures of formal power indicate first whether the power to declare an emergency belongs to the effective leader or some other political actor, or requires consultation between the leader and outside actors. I then coded whether the effective leader can make use of additional powers in times of emergency and assessed the nature of these powers, regarding clarity, whether they allow the leader to take measures outside of a military scope, and whether they grant the ability to make policy declarations. Lastly, I coded measures that indicate the number of prospective and retrospective checks on this power, as well as formal limitations on how long emergency powers and policies declared during an emergency may last. In the following section, I describe the broad takeaway points regarding the content of these provisions and describe specific examples of emergency provisions.

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<sup>7</sup>In an ongoing study, I examine this difference in an experimental setting.

<sup>8</sup>States would be no safer under normative powers. If these de facto powers do become so institutionalized within the state that they comprise formal extensions of executive power such that they hold the same force that legal powers would, leaders would face the same temptations I describe regarding de jure powers. If they are not so institutionalized, the state may face an emergency and be unable to respond sufficiently.

<sup>9</sup>Two points further support this choice. First, it is difficult to comprehensively collect data on convention-based emergency powers. Second, there is no reason to suspect that this will bias statistical analysis systematically, or in favor of my finding. The United States, for example, biases results against my theory, with both a high propensity for conflict and low formal emergency powers.

<sup>10</sup>Of the 4573 country years in the data, 269 come from constitutions not available online and are therefore excluded. This is just 6% of the data.

<sup>11</sup>Goemans, Gleditsch, and Chiozza argue that Presidents should be considered effective leaders in regimes that combine presidential and parliamentary aspects, since “in these regimes, presidents typically control foreign policy” (Goemans, Gleditsch, & Chiozza 2009, 272).

### **II.3 Emergency Provision Content**

Emergency provisions vary across several important dimensions that dictate how the onset of a crisis shapes the domestic political order. Though they vary dramatically regarding what defines a state of emergency, each emergency provision highlights the extraordinary nature of the threat to the democratic order or to national survival. The Serbian Constitution of 2006 allows the declaration of a state of emergency “when the survival of the state or its citizens is threatened by a public danger (Article 200).” The Paraguayan Constitution of 1992 calls for the declaration of a state of exception in “the case of an armed international conflict, formally declared or not, or of a grave internal commotion that puts in imminent danger the rule of this Constitution or the regular functioning of the organs created by it (Article 288).”

Nearly every emergency provision covers an external opponent, while 56% also provide measures to combat an internal threat. This suggests that while states of emergency are often used to resolve civil matters, their design heavily reflects the insecurity of the international system. Some leaders can invoke emergency powers only when under external attack. The Moldovan Constitution of 1994 states, “In the event of armed aggression against the country, the President of the Republic of Moldova takes the steps required to repel aggression (Article 87.3).” This is relatively uncommon – only 15% of states restrict the use of emergency powers to an attack by a foreign opponent. Further, only 50% of states require a formal declaration of war before the leader can take emergency measures.

In many cases it is not specified what actions short of open warfare warrant the declaration of a state of emergency. India’s Constitutional Amendment of 1978 states, “A Proclamation of Emergency declaring that the security of India or any part of the territory thereof is threatened by war or by external aggression or by armed rebellion may be made before the actual occurrence of war or of any such aggression or rebellion, if the President is satisfied that there is imminent danger thereof (Article 37, Amendment of Article 352).” The threat of conflict can be grounds for a declaration of a state of emergency, even before the opponent takes military action or before an internal group has struck out in open revolt.

Emergency provisions exhibit a wide range of specificity. Most emergency provisions delineate clear procedural tools that the executive may utilize in times of crisis. The Honduran Constitution of 1982 states that the executive may “incur loans, change the purpose of an authorized item, or open additional credits for satisfying urgent or unforeseen needs in the event of war, internal disturbance or public disaster” (Article 365).” However, in approximately 40% of cases, emergency provisions grant broad and/or vague powers, often allowing the executive to take whatever measures she deems necessary to prosecute the crisis in question. The Taiwanese Constitution of 1994 states that during a period of emergency the President may “take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope

with any serious financial or economic crisis (Article 4),” granting broad powers to combat a broad array of ills.

There is significant variation in the extent of the leader’s political power during times of emergency. In roughly 12% of cases, the provision only allows the leader to declare a state of emergency, with no significant increase in the leader’s power. In a further 12% of cases the leader’s power is purely restrictive – the leader has the ability to suspend certain rights or civil liberties to combat the threat, but can take no further action. When emergency provisions do divert power to the leader, said power can face a multitude of restrictions and caveats. Under the current Constitution of the Philippines, the President can direct national policy during a state of emergency, after the Congress has declared an emergency via a two-thirds vote, but only if the Congress votes to authorize the emergency measures, for a limited period of time, and subject to any restrictions that the Congress deems necessary (Constitution of the Philippines, 1987, Section 23 Articles 1-2).

However, there are many emergency provisions that dramatically alter the political landscape through granting the leader broad, sweeping power. In the South Korean Constitution of 1987, the President has the authority to proclaim martial law and introduce special measures to ensure the public safety without the consent of the National Assembly, which can lift martial law only retroactively through a majority vote (Article 77.1-5).<sup>12</sup> Often emergency provisions grant the executive the ability to make declarations of policy that immediately become law. The Slovenian Constitution of 1991 grants the government the ability to “issue decrees with the force of law (Article 108)” during a state of emergency or war. Nearly 40% of emergency provisions grant this level of policy power. Further, while in 80% of cases these policies expire after a set period of time, generally when the emergency itself terminates, only 55% of declared emergencies automatically end within a specific time frame. Often emergencies can be renewed when exigencies demand it, which means nations may operate under a state of emergency well past the period of the initial crisis.<sup>13</sup>

This descriptive overview reveals an important fact about provisions regarding states of emergency in democratic states – they vary considerably, as these examples demonstrate. We might reasonably expect both that the source of this variation is significantly impacted by political factors and that this variation may lead to differential effects of emergency provisions on quantities of interest in political science. This underscores the importance of understanding exactly what these provisions entail. In the following section, I describe how these questions might meaningfully be tackled using a measure of emergency power strength that I have developed to capture this variation.

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<sup>12</sup>In perhaps the most extreme example, the Slovak Republic’s Constitution of 1992, the President is *required* to dissolve the parliament in the case of war or an exceptional state, and the parliament ceases to function entirely as a result (Article 102). There is some dispute over the proper interpretation of this chapter [Khakee, 2010], and it was revised in 2004.

<sup>13</sup>The case of India following the Indo-Pakistani War of 1971, described in greater detail in the next chapter, highlights this fact well.



## II.4 Emergency Power Strength

Although emergency provisions differ dramatically across countries and across time, a number of common features, as I have described, dictate the executive's level of political control.<sup>14</sup> By analyzing these specific elements, I develop a measure of the formal political power the effective leader can access during an emergency, regardless of the level of political consent she has at the time, which I call emergency power strength.<sup>15</sup> To convert these factors into a usable measure for statistical analysis, I use Bayesian factor analysis to derive a measure of latent emergency power strength for each document. In factor analytic models, the observed measures corresponding to the elements within constitutional provisions are assumed to be intercorrelated because they are driven by the same latent construct.<sup>16</sup> Factor analysis provides one way to reproduce the observed intercorrelation among the indicators using a single latent variable [Brown, 2006]. Bayesian measurement models have been used previously in political science [Clinton et al., 2004], but rarely in international relations.<sup>17</sup> In Bayesian factor analytic models, the goal is to compute the posterior density over all unknown parameters in the model conditional on priors and the observable indicators [Jackman, 2009].<sup>18</sup>

I estimate this Bayesian factor analysis model using Markov Chain Monte Carlo methods.<sup>19</sup> The procedure provides a continuous measure of emergency power strength for each emergency power provision in each year that, as opposed to an additive index, does not depend on an arbitrary determination of how individual factors relate to the underlying latent strength characteristic.<sup>20</sup> The measure of emergency power strength ranges from -1.02 to 1.64, with a mean centered at 0 and a standard deviation of .97.<sup>21</sup>

To demonstrate the range of the data visually, I present a graphical depiction of the range of constitutional emergency powers for democratic states for the year 1989 in Figure II.1.<sup>22</sup> There are several notable descriptive takeaways from this slice of the data. The first is that the strongest emergency powers in 1989 are from the Republic of Korea, while the weakest emergency powers are from Japan. This is especially

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<sup>14</sup>The ideal quantity of interest is the difference in potential power in times of conflict as opposed to times of peace. Emergency power strength provides a noisy measure of this. However, unless the difference between this measure and the ideal measure is correlated with the error of the following statistical models, the results will not be biased. Further, controlling for peacetime institutions allows me to make statements about the difference between peacetime power and power in times of emergency.

<sup>15</sup>The appendix contains a table describing the coding of the specific elements mentioned in the above section that I examine within emergency provisions.

<sup>16</sup>There might meaningfully be several sub-dimensions to this strength – threshold of use, scope of application, depth of application, and duration. However, the features herein align clearly along one dimension, with an Eigenvalue of 5.63, which accounts for 62% of the variance in the explanatory variables. No other factor accounts for a significantly large portion of the variance.

<sup>17</sup>I follow one notable example in the literature [Benson and Clinton, 2014].

<sup>18</sup>I use naive priors. For an in-depth explanation, see Jackman (2009).

<sup>19</sup>The factor loadings for emergency power strength are contained in the appendix. The minimum criteria for the Kaiser-Meyer-Olkin Measure of Sampling Adequacy is .5. Since the KMO for this set of variables is approximately .8, this indicates at least one shared dimension between the variables.

<sup>20</sup>I have also created a hand-coded measure of emergency power strength from 0 to 5, based on my own reading of the constitutions with subsections checked by research assistants. This measure correlates with my factor-derived measure at .92, speaking to the face validity of the Bayesian measure.

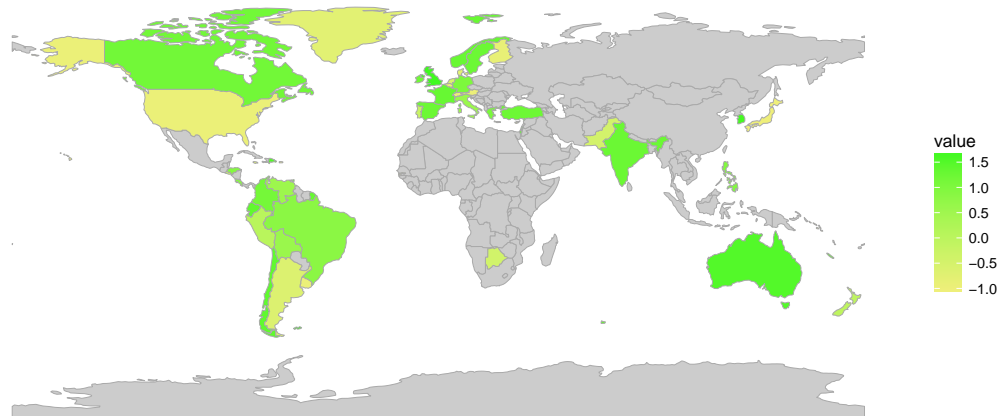
<sup>21</sup>Centering the mean at zero and constraining the standard deviation to be approximately 1 allows me to identify the model.

<sup>22</sup>I chose 1989 because of the importance of that year in global politics. I show only constitutional emergency powers in this figure in order to improve visual clarity.

noteworthy because the constitution of the Republic of Korea borrowed extensively from the constitution of Japan. The figure also demonstrates that while some of the states with stronger emergency powers are those we might otherwise expect to encounter emergency situations quite frequently, such as France or Turkey, there are a number of relatively small and perhaps unexpected states with strong emergency powers, such as Trinidad and Tobago and the Dominican Republic. This suggests that it is not simply the international or domestic environments alone that drive emergency power provision. Similar variation exists at the lower end of emergency power strength. While this figure depicts constitutional emergency powers for just one year, it demonstrates that there is significant variation in strength across states that cannot quickly or easily be dismissed as indicative of alternative state characteristics.

Figure II.1: Constitutional Emergency Power Strength Across Countries: 1989

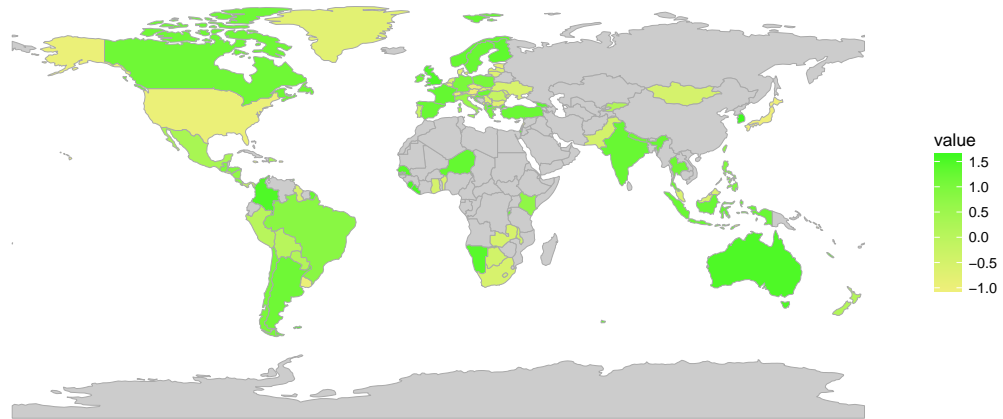
Emergency Power Strength in Democracies, 1989



In Figure II.2, I now show a map that includes the range of emergency powers in 2012. It is clear that the number of states with emergency powers has risen considerably in this time, particularly owing to the rise of democracy in the post Cold War era, primarily in central and Eastern Europe, and that this increase in emergency power provision covers the full range of the strength spectrum.

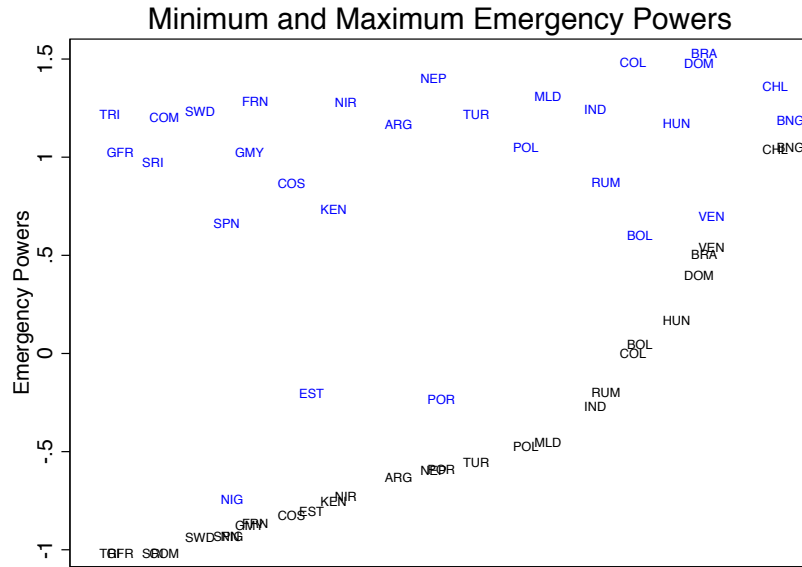
Figure II.2: Constitutional Emergency Power Strength Across Countries: 2012

Emergency Power Strength in Democracies, 2012



In Figure II.3, I present the maximum and minimum emergency power strength scores across constitutions for each democracy in which there is a substantive shift in the strength of the emergency provision. While the number of instances of substantive shifts is relatively low, these shifts occur across a number of countries, and many of the shifts themselves are quite dramatic. For example, emergency power strength in Sri Lanka ranges from -1.02 in 1957 to .97 in 1981, covering a significant portion of the range of emergency power strength. There are a number of countries with both very high maximum emergency powers and very low emergency powers across time, and variation at every level of the scale.

Figure II.3: Constitutional Emergency Power Strength Across Countries



To provide an initial test of the validity of this measure, I test the relationship between emergency power strength and declared states of emergency from 1970 to 2007 in Table II.1 [Hafner-Burton et al., 2011]. I expect that states with stronger emergency powers will be more likely to declare a state of emergency since they may be more likely to encounter emergencies and their leaders have more to gain from invocation. Consistent with this expectation, states are more likely to declare an emergency when they possess stronger institutional emergency provisions.<sup>23</sup> This provides initial evidence that strong emergency powers are found in states that most require the protections these powers offer.

<sup>23</sup>I show the full specification in the appendix.

Table II.1: States of Emergency and Emergency Powers

	(1) Declared SOE	(2) Declared SOE
Emergency Power Strength	0.294*** (0.0404)	0.194*** (0.0739)
Constant	-0.174 (0.159)	-5.092*** (1.249)
Observations	1930	995
Controls	No	Yes

Robust standard errors in parentheses  
\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

These powers also vary across democratic political institutions. In Table II.2, I split the data into emergency provisions above and below the mean level of emergency power strength to consider variation in emergency power strength across different types of democratic regimes. I find strong emergency powers make up a much larger proportion of presidential democracies than other democracies.<sup>24</sup> The only substantial difference in emergency powers across democratic systems is within presidential democracies – strong and weak emergency powers are found in roughly similar proportions in parliamentary and mixed systems.

Table II.2: Democratic System and Emergency Powers

	Presidential	Parliamentary	Mixed
Below Mean	19 27.14%	34 48.57%	17 24.29%
Above Mean	32 42.11%	30 39.47%	14 18.42%

## II.5 The Origins of Emergency Powers

Now that I have described these powers and how they can meaningfully be measured, it is important to consider how these provisions initially arise. Emergency provisions widely vary in terms of the power that states grant to the executive to combat a period of crisis. In this section, I explore the systematic variation between countries that helps explain the differences demonstrated across emergency power provisions. Though there are few direct accounts of the decision to adopt emergency powers, historical accounts of constitution-making in democracies and considerations of factors that exacerbate emergencies suggest elements that influence the

<sup>24</sup>Since some data on democratic regime type is missing, these documents are excluded.

decision to adopt emergency powers and the decision of how strong the executive must be to sufficiently handle an emergency situation.

States that have experienced a greater number of international conflicts should be likely to adopt strong emergency powers. This may be because previous conflict between states leads to an expectation of future conflict, or because a culture of conflict drives both past and future disputes. An historical example is the French Constitution of 1958. Spurred on by the memory of the hardships of World War I and World War II, the constitutional framers in France believed that the executive had consistently lacked the power to impose necessary policies in the face of urgent events [Foyer, 1988]. France's extraordinary provisions granted strong powers to the president in times of emergency as a response to their lack of central government authority in times of war. Past conflict behavior might therefore drive stronger emergency power provision.

Scholars suggest that states facing a looming threat such as an international rival are significantly more likely to formally grant powers to the executive in times of emergency. Since each conflict in a rivalry makes future conflict more likely [Colaresi and Thompson, 2002], rivalries lead to the rational expectation of future disputes, and thus the state supports institutional safeguards to handle the disputes. In the case of the Greek Constitution of 1975, Greece's rivalry with Turkey over Cyprus revealed the military elite's inability to deal with the national emergency [Tsatsos, 1988]. Framers therefore returned political power to the politicians, enacting provisions to ensure that their leaders would have the power necessary to prosecute future disputes with Turkey.

Framers often grant emergency powers when events demonstrate the vulnerability of the nation's standard democratic institutions to internal threats. The Venezuelan Constitution of 1961 is heavily influenced by the nation's previous experience with autocracy and its long history of coups and military intervention in the government [Manrique, 1988]. More stable democracies might therefore have lesser need to institutionalize strong emergency powers. Since democratic constitutions often specify emergency action to battle coup d'états and civil discord, we should expect that emergency powers will be stronger when states have a history of domestic conflict.

States that suffer a large economic burden during times of conflict realize the danger an economic downturn poses. States may see centralization of political power as a way to combat this danger if they believe their economy is vulnerable to the possibility of a crisis in the future. When debating the provision of emergency powers, Venezuela's past economic and financial difficulties weighed as heavily as its history of domestic discord. This failure promoted a strong belief that Venezuelan leaders must have the ability to battle the economic ills driven by periods of crisis [Manrique, 1988]. States with more vulnerable economies may therefore enact stronger emergency powers. Further, the manner in which the economic burden is born by the state may also influence the need for emergency powers. Greater economic inequality within a state should

be highlighted in times of crisis, which may lead to discord and protest that prompts a desire for a strong hand from the government [Muller, 1985].

States should be equally concerned about factors that might make future internal discord particularly dangerous. States with larger populations may fear that in the future they will be unable to control the population in the event of an emergency. States with difficult terrain may be unable to reach their populations in times of emergency. Further, states that have geographical features that allow internal dissidents to strike and hide from the state's police or military apparatus may therefore require the provision of stronger emergency powers to expand the power of the state's security forces to gather information and locate these actors [Fearon and Laitin, 2003].

Each of these factors – conflict expectations, domestic stability, economic security, and territorial features – might influence the decision that framers make to adopt some level of emergency protections in their constitutions. Likewise, these factors should also be expected to influence the strength of the emergency powers the state is willing to grant to the leader. In the following section, I test these relationships empirically.

## **II.6 Empirical Test**

To explore the determinants of emergency power provision and emergency power strength, I move to a large-n analysis. I use two dependent variables. The first is the provision of emergency powers. For this variable, I code all states that codify formal emergency powers for the executive in times of crisis as 1 and all states with no formal emergency powers as 0. The second dependent variable is emergency power strength, where I use the emergency power strength variable as calculated above using Bayesian factor analysis.<sup>25</sup>

In this exploratory analysis, I include as independent variables the factors that scholars suggest might prompt leaders to formalize emergency powers and the factors that might require the power granted to the executive in times of conflict to be strong. It is possible that emergency power provision and emergency power strength are driven by a culture or history of conflict within the state. If states with a previous experience with conflict expect conflict in the future, these states might rationally institutionalize emergency powers to guard against this possibility. As a result, I include the count of previous militarized interstate disputes involving the state up to the given year [Sarkees and Wayman, 2010]. States may also adopt emergency powers when they are confronted with a looming external threat. Since rivals engage in crises in greater numbers than other states [Goertz and Diehl, 1993; Goertz and Diehl, 1995], rival states may be more vulnerable to political upheaval from international or domestic sources. I therefore include a measure for the presence of an interstate rivalry [Thompson and Dreyer, 2011].

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<sup>25</sup>To make a causal claim, if I am interested in explaining the emergence of emergency provisions and the subsequent strength of these provisions, I can only look at new emergency provisions, which dramatically restricts my sample, making it difficult to estimate a model that includes multiple independent variables. As a result, I consider this study exploratory, determining what features of democratic states are associated with emergency power provision and strength.

The quality of a state's domestic political institutions likely reflects the probability of the breakdown of the normal government order. I account for this in two ways. First, I include as a regressor the number of previous coup d'états that a state has experienced up to the year in question. States that have previous experiences with coups may have unstable political institutions. Coup data comes from the Coups in the World Dataset [Powell and Thyne, 2011]. Second, states with stronger democratic institutions may be less vulnerable to internal or external conflict. As a result, I include each state's Polity score, as well its square to account for a possible non-linear relationship, to account for peacetime institutions [Marshall and Jaggers, 2001].

States may also craft emergency power provisions based on their expectations of future financial burdens or collapse, which may either exacerbate periods of crisis or may themselves be emergencies. To account for this, I include a measure of the health of the state's economy, as captured by the democracy's GDP per capita [Gleditsch, 2002]. Additionally, I include the state's level of inequality (Gini coefficient) [World Bank, 2007], to account for the possibility that states believe that horizontal inequalities may be dangerous in times of crisis, as the masses, disproportionately affected by the emergency, may have increased grievance and the government and traditional state institutions may be unable to handle this grievance under the strain of the emergency.

Lastly, I include measures for two features of the state that may make emergencies particularly dangerous. First, I include the state's population, since larger populations will be harder to control during times of emergency, all else equal, and thus might require greater executive control [World Bank, 2007]. Second, I include the percentage of the state's terrain that is mountainous [Fearon and Laitin, 2003]. Mountainous terrain is particularly difficult for governments to control, as this allows opposition groups to operate free from the reach of the state's security apparatus, and thus such rocky terrain may require additional leeway for the state's security forces to locate and stop dissident groups.

As the dependent variable of emergency power provision is binary, I estimate a logistic regression in the first model. When I move to study emergency power strength, the dependent variable is continuous, and so I estimate an ordinary least squares regression. In each test the unit of analysis is the democracy-year. The analysis covers all emergency provisions from 1950-2012. I present all results using robust standard errors. To account for temporal trends and duration dependence I include polynomial temporal controls since the state was last nondemocratic [Carter and Signorino, 2010].



Table II.3: Determinants of Emergency Powers

	(1) Emergency Power Provision	(2) Emergency Power Strength
Past MIDs	0.0122*** (0.00231)	0.00269*** (0.000488)
Rivalry	0.399 (0.252)	0.350*** (0.0671)
Previous Coups	0.382*** (0.0767)	-0.00256 (0.00641)
Polity Score	1.149 (1.061)	0.936*** (0.289)
Polity Score (Squared)	-0.0977 (0.0644)	-0.0690*** (0.0177)
Population (Logged)	0.0550 (0.0764)	0.00944 (0.0210)
% Mountainous Terrain	0.0175*** (0.00677)	-0.00165 (0.00141)
GDP Per Capita	-0.0514*** (0.0194)	0.00509 (0.00586)
Economic Inequality	0.111*** (0.0145)	0.0114*** (0.00334)
Constant	-8.211* (4.498)	-3.830*** (1.137)
Observations	1324	1324

Robust standard errors in parentheses

Democracy year splines

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table II.3 demonstrates the results. Model 1 captures the predictors of emergency power provision, while Model 2 captures the predictors of emergency power strength. Starting with the determinants of emergency power provision, I find that previous international conflict behavior is a strong predictor of emergency power provision. Moving from the mean number of previous MIDs to one standard deviation above the mean increases the predicted probability of emergency power adoption from .65 to .71, a six percentage point or 9% increase. Previous internal conflict is also a strong predictor of emergency power adoption. Shifting from the mean number of past coups to one standard deviation above the mean increases the predicted probability of emergency power adoption from .75 to .88, a thirteen percentage point or 17% increase. This is comparatively

the largest effect on emergency power adoption, showing that even though emergency provisions tend to be written to combat external threats, perhaps the driving force behind them is internal. Political institutions in times of peace demonstrate no such relationship, nor does engagement in an interstate rivalry. While the size of the population does not impact emergency power provision, the ease of insurgent operation does, as moving from the mean percentage of mountainous terrain to one standard deviation above the mean increases the predicted probability of emergency power adoption from .70 to .75. For the economic variables, increasing GDP per capita lowers the probability of emergency power adoption by 5 percentage points, while increasing economic inequality has the reverse effect, leading to an increase of 12 percentage points in the predicted probability of emergency power adoption.

Turning to Model 2, there are a number of interesting results regarding the strength of formal emergency powers. Previous militarized interstate disputes remain a strong predictor of emergency power behavior. However, while previous coups were the strongest predictor of emergency power adoption, they exhibit no relationship with emergency power strength. The presence of an external rival, while not fundamental to the decision to adopt emergency powers, does tend to make emergency powers stronger. While there is a relationship in this model between peacetime institutions and institutions during periods of emergency, the relationship is quite weak. This suggests perhaps that emergency behavior is not captured in the standard measures of democracy. Features of terrain and population size exhibit no relationship with emergency power strength. Regarding economic factors, the general health of the nation does not impact the strength of emergency powers. However, more unequal states tend to provide stronger emergency powers.

In sum, the determinants of emergency power provision and emergency power strength are only partially consistent. A history of internal turmoil predicts emergency power provision, but external conflict expectations seem to predict the strength of these powers to a much larger degree. Similarly, while factors that may exacerbate a crisis tend to predict emergency power provision, they have a much reduced effect in predicting emergency power strength. In the following section, I tackle one particular relationship of interest, between emergency powers and Polity scores, in greater detail.

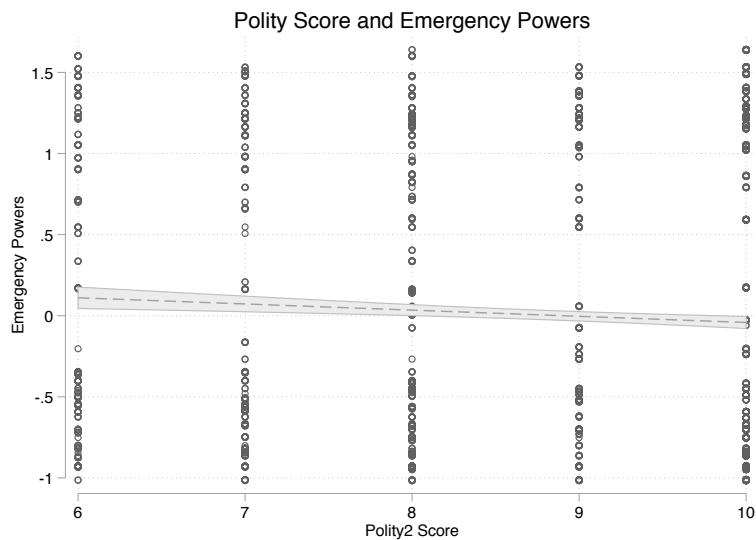
## **II.7 A Deeper Look: Emergency Powers and Polity Scores**

To demonstrate why these data are so important, it is useful to explore in greater detail the relationship between this measure of emergency power strength and the most typical measure of the strength of democratic institutions in peacetime – Polity scores [Marshall and Jaggers, 2001]. While scholars have recently developed new measures of democracy that improve on this original conception [Lindberg et al., 2014], this provides a solid baseline measure of a state’s democratic institutions. Further, Polity scores remain the most frequently used measure of a state’s relative democratic institutions. Polity defines democracy according to

three primary criteria. A democracy must have the institutions and procedures through which citizens can express their preferences about alternative political policies and leaders, institutionalized constraints on the exercise of executive power, and must guarantee civil liberties to all citizens in both their lives and in acts of political participation [Jagers and Gurr, 1995]. Although Polity scores are designed to measure peacetime democratic institutions,<sup>26</sup> scholars frequently include Polity scores in models of international or domestic conflict, when emergency provisions are likely to be in effect. This means that the measure is relevant in comparing institutions in times of peace and in times of crisis. Additionally, since Polity scores primarily reflect the decisional constraints on the executive [Gleditsch and Ward, 1997], they provide a particularly apt comparison to a measure of the power diverted to the leader in times of conflict.

When scholars use Polity scores to differentiate between democracies and autocracies in models of conflict, their implicit assumption is that the institutions captured in the scores are static with regards to conflict. I have argued at length that this is not the case. Alternatively, these scholars might expect that states with stronger democratic institutions – that is, those that are less autocratic in peacetime – would also be more democratic in times of conflict. In the previous section, I have demonstrated that peace time institutions do not predict institutions in times of crisis in such a linear fashion. If there is little relationship between emergency power strength and Polity scores, there is a discrepancy between peacetime constraints on the effective leader and constraints in times of conflict, and thus these measures are not suitable for studying the relationship between institutions and conflict.

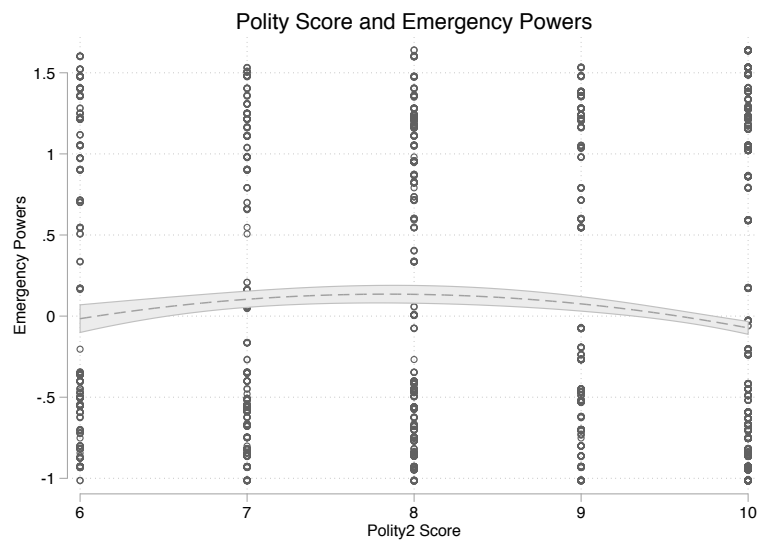
Figure II.4: Emergency Power Strength and Polity Scores



<sup>26</sup>Scholars have discussed the suitability of the measure for this task elsewhere [Bennett, 2006].

I present a scatterplot of the relationship in Figure II.4, comparing the individual emergency power scores for each country year to each country's Polity score in that year. As a reminder, Polity ranges from 6 to 10 in this study of democratic states, while emergency power strength ranges approximately from -1.02 to 1.64. If Polity scores capture war-time constraints on the executive, states with lower Polity scores – those considered to be more autocratic – should be more likely to grant strong emergency powers, resembling the powers of an autocrat, in times of crisis. Instead, there is almost no relationship between emergency power strength and strength of democracy as measured by Polity.

Figure II.5: Emergency Power Strength and Polity Scores (Non-Linear)



If I allow the relationship to take a non-linear form, as in the section determining the causes of emergency powers, we see that it is states in the middle range of Polity scores that have the strongest emergency powers. However, the relationship remains quite weak, and it is difficult to assert a relationship exists at all. I show this result in Figure II.5. This is not the linear relationship that we must accept to use peacetime institutions as a proxy for institutions during times of crisis. Further, there is substantial variation in emergency power strength that across all levels of Polity scores. It is important to keep this in mind when using Polity scores to study international or civil conflict. A measure of emergency institutions should be included in models of conflict – at least as a supplement to Polity scores – since the institutions differ so dramatically in times of crisis from times of peace, and these institutions influence the foreign policy or domestic policy decision-making of the actors in government.

## **II.8 Conclusion**

This project provides several important contributions to the study of international relations and comparative politics. The primary contribution is the systematic collection of emergency provisions in democracies across time. I codify the emergency provisions in the constitutions and legislation of 119 democracies from 1800 to 2012, including all changes or amendments, and measure emergency power strength. Additionally, I demonstrate how state level factors contribute to the decision to grant emergency powers and how strong emergency powers must be to handle a time of crisis. All of these data will be made publicly available. These data provide an important source of comparative institutional variation for democratic states. Further, this institutional variation may have an impact on any number of foreign or domestic policy outcomes.

This chapter further demonstrates one way in which variation within states that share the same regime type is as important as between regimes of different types, and thus emphasizes the importance of capturing these differences in our measures and models. In that regard, this study is connected to other studies of democratic institutions as well as recent attempts at creating new measures of democracy. Future studies of regime type must consider institutional structure in a way that moves beyond the traditional separation of democracy and autocracy.

## II.9 Appendix

### Emergency Powers Coding Template

Country: What country is the constitution for?

Constitution Year: What year is the active constitution from?

Passage: The full constitutional passage regarding emergency/crisis/siege/war etc. powers. Included:

War Declaration: How is war declared in the country?

Who: Who gets powers (president, prime minister, other)?

When: In what circumstances are the powers given? How is the emergency/crisis defined? Does it mention times of war, conflict, foreign aggression etc.? What are the processes for declaring a state of emergency/crisis? Who can declare a state of emergency? Who must they consult?

What: What powers are given? Is power to affect policy given? What powers are given specifically in regards to waging war? How broad are the powers? How do they deviate from political processes in normal times?

Const. Change: Has the relevant passage in the constitution changed since the previous constitution? If so how?

Effective Head of State: What is the name of the position of the effective head of state?

### Strength Subcomponent Coding

(Note: . always = Undefined)

Declaration:

0- Chief executive is not able to declare a time of crisis or emergency

1- Chief executive is able to declare a time of crisis or emergency in consultation with/after consulting other government actors/must get the declaration approved before it goes into effect.

2- Chief executive is able to declare a time of crisis or emergency without consulting other government actors.

Exception

0- A state of exception cannot be declared (even if war can be)

1- A state of exception can be declared

Breadth of Definition:

0- The definition of a time of war, crisis, or emergency is narrow

1- The definition of a time of war, crisis, or emergency is broad

Civil Emergency

0- The definition of a time of crisis or emergency does not specifically include internal disturbance

1- The definition of a time of crisis or emergency does include internal disturbance

External Emergency

0- The definition of a time of crisis or emergency does not specifically include external disturbance

1- The definition of a time of crisis or emergency does include external disturbance

Crisis

0- The definition of a time of crisis or emergency does not include crises short of war

1- The definition of a time of crisis or emergency does not require war/includes international crises short of war

Attack

0- The definition of a time of crisis or emergency only includes cases of attack

1- The definition of a time of crisis or emergency does not require armed attack

Powers

0: No additional power is granted to the chief executive in times of war/emergency.

1: The additional power granted to the chief executive in times of war/emergency corresponds only to the

waging of the war/relates directly to the management of the armed forces.

2: The additional power granted to the chief executive in times of war/emergency does not only correspond specifically to the waging of the war/relate directly to the management of the armed forces.

#### Vagueness

0- The alteration of the balance of power/powers granted to the executive are clear

1- The alteration of the balance of power/powers granted to the executive are vague

#### Domestic:

0- The powers granted to the executive do not include an explicit reference to domestic powers

1- The powers granted to the executive include an explicit reference to domestic powers

Policy: 0- Chief executive is not able to make policy declarations with the force of law.

1- Chief executive is able to make policy declarations with the force of law only after consulting with the other branches of government or other actors can repeal them.

2- Chief executive is able to make policy declarations with the force of law without consulting with the other branches of government.

Policy Expiration: - n/a, chief executive is not able to make policy declarations.

0-The policies enacted by the executive may automatically expire after some pre-determined amount of time (such as when the period of emergency ends) or they must be approved or they will expire.

1-The policies enacted by the executive do not automatically expire after some pre-determined amount of time.

#### Emergency Expiration

0-The state of emergency automatically expires after some pre-determined amount of time or automatically expires unless approved by another body.

1- The state of emergency automatically does not automatically expire after some pre-determined amount of time or is renewable.

#### Secondary Actor

0- The emergency powers are granted (in whole or in significant part) to the head of state

1- The emergency powers are granted (in whole or in significant part) to an actor who is not the head of state

-88- The emergency powers are granted (in whole or in significant part) to a purely ceremonial actor (i.e.: monarch)

#### Extra-Constitutional

0- The states emergency powers do not derive from a source of legislation outside of the formal constitution

1- The states emergency powers derive from a legislative source outside of the formal constitution

-88- The states emergency powers derive from a legislative source outside of the formal constitution because there is no formal constitution

#### Rating Change

1- Rating change from one (democratic) country year to the next

68- Rating change from previous democratic constitution after period of non-democracy but with no non-democratic constitution ever enacted

78- Rating change from previous democratic constitution after period of non-democracy with a nondemocratic constitution in between 98- Rating change from previous, unknown democratic constitution

-88- Rating change from previous democratic constitution, which was changed during a period of non-democracy but remains in effect during democracy

#### Cont Dem Yrs

- Number of continuous democratic years completed at the beginning of the year.

Cont Dem Yrs No Ch

-Number of continuous democratic years without a change in the constitutional emergency powers at the beginning of the year. (Note: If a change happens in a given year, the counter resets in the next year. If a rating is missing for a given year, this will also be missing.)

Break

0- No new democratic period begins

1- New democratic period begins

Table II.5: Emergency Power Strength: Factor Loadings

Power is Not Military-Specific	0.942
Policy Power	0.899
Vagueness	0.779
Declaration Power	0.585
Breadth of Definition	0.581
Policy Expiration Not Automatic	0.563
Domestic Power	0.550
State of Exception	0.548
Retrospective Checks	0.540
Activated in Crisis	0.521
Internal Emergency	0.511
Prior Checks	0.421
Non-Automatic Expiration	0.334
External Emergency	0.317
Attack Only	0.143

Table II.6: Democratic System and Emergency Powers (Country Years)

	Presidential	Parliamentary	Mixed
Below Mean	1,260	924	273
	51.28%	37.61%	11.11%
Above Mean	912	1,573	342
	32.26%	55.64%	12.10%



Table II.4: Emergency Power Strength: Coding Explained

State of Exception	A state of exception can be declared (1) or only war can be declared (0)
Breadth of Definition	The definition of a time of war, crisis, or emergency is broad (1) or narrow (0).
Non-Automatic Expiration	The state of emergency automatically does not automatically expire after some pre-determined amount of time (1), is renewable (1), automatically expires after some pre-determined amount of time (0) or automatically expires unless approved by another body (0)
Declaration Power	The executive is able to declare a time of crisis or emergency alone (2) in concert (1), or not at all (0).
Attack Only	The definition of a time of crisis or emergency does not require armed attack (1) or only includes cases of attack (0).
Activated in Crisis	The definition of a time of crisis or emergency include crises short of war (1) or just war (0).
Internal Emergency	The definition of a time of crisis or emergency does include internal disturbance (1) or does not (0).
External Emergency	The definition of a time of emergency includes external disturbances (1) or does not (0).
Vagueness	The alteration of the powers granted to the executive are vague (1) or limited (0)
Power is Not Military-Specific	The additional power granted to the chief executive in times of war/emergency does not only correspond specifically to the management of the armed forces (2), does (1) or no powers are granted (0).
Policy Power	The leader is able to make policy declarations with the force of law without consulting with the other branches of government (2), law only after consulting with the other branches of government or other actors can repeal them (1) or the chief executive is not able to make policy declarations with the force of law (0).
Domestic Power	The powers granted to the executive include an explicit reference to domestic powers (1) or do not (0).
Policy Expiration Not Automatic	The policies enacted by the executive do not automatically expire after some pre-determined amount of time (1), automatically expire after some pre-determined amount of time (such as when the period of emergency ends) (0) or they must be approved or they will expire (0).
Prior Checks	The number of veto players the leader faces during the crisis.
Retrospective Checks	The number of post-crisis checks on the leaders actions.

Table II.7: Invoked States of Emergency and Emergency Powers

	(1)	(2)
	Probit	IV Probit
Declared SOE		
Emergency Power Strength	0.194*** (0.0739)	0.879*** (0.289)
Polity Score	0.0454 (0.0673)	0.111 (0.0741)
Rivalry	0.984*** (0.141)	0.623* (0.326)
War Onset	1.071** (0.437)	0.790 (0.515)
Trade (%GDP)	0.00450*** (0.00147)	0.00387* (0.00228)
Real GDP (Logged)	0.251** (0.110)	0.229 (0.146)
Inequality	0.0457*** (0.00876)	0.0163 (0.0148)
Democracy Years	-0.00436 (0.0358)	-0.0491 (0.0466)
Peace Years	-0.262*** (0.0711)	-0.123 (0.0964)
Constant	-5.092*** (1.249)	-4.021** (1.726)
Emergency Power Strength		
Log Word Count		5.155*** (0.514)
Log Word Count (Squared)		-0.250*** (0.0260)
Constant		-25.93*** (2.447)
Observations	995	841
Peace Year Splines	Yes	Yes
Democracy Year Splines	Yes	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

## CHAPTER III

### Emergency Powers and International Conflict

#### III.1 Introduction

Scholars have devoted significant attention to how democratic and autocratic institutions differentially affect a state's propensity for international conflict [Gleditsch, 1992]. Recently, researchers have begun to examine how variation within state institutions can explain why certain autocracies [Weeks, 2012] and democracies [Reiter and Tillman, 2002; Clark and Nordstrom, 2005] are more conflictual than others. This work focuses on how institutional constraints restrain leaders and prevent international conflict, treating constraints on the executive as nearly exogenous predictors of the state's likelihood of international conflict. However, many democracies specify rules of governance during times of conflict that differ from those that exist in peacetime, diverting substantial power to the head of state.

The Indo-Pakistani War of 1971 underscores how dramatically a leader's power can increase during a crisis. In 1971, civil disorder and sectarian violence in the province of East Pakistan brought India and Pakistan to the brink of war. On December 3, open hostilities ignited between the states, prompting the government of India to issue a Proclamation of Emergency, stating that the crisis threatened state security so gravely that peacetime institutions were no longer sufficient. The formal power diverted to Prime Minister Indira Gandhi was substantial. In the months that followed, Gandhi's government regularly used this power as a means of implementing policy during economic crisis and government disillusionment, preventing opposition groups within the Parliament from effectively resisting government action [Omar, 2002]. When this initial emergency proclamation was bolstered by a proclamation of emergency due to the threat of internal disturbance, India subsequently experienced a 21-month period in which Prime Minister Gandhi ruled by decree.

Established in the Indian Constitution of 1949, formal rules regarding a state of emergency predate this crisis with Pakistan by over two decades. Could the attraction of these powers have influenced how Prime Minister Gandhi negotiated with Pakistan during the crisis? I argue that since emergency provisions can drastically reduce the restrictions on democratically elected executives during times of international conflict, this relaxation of constraints can incentivize leaders to prefer conflict to peace to bolster their domestic control. This study makes two contributions to our understanding of the relationship between domestic political institutions and interstate conflict. First, the manipulation of emergency powers provides a rational motivation for conflict not previously examined in studies of international politics. Second, the finding that emergency provisions might explain why certain democratic governments are as conflict prone as autocracies

is a novel qualification of our existing understanding of the role of domestic institutions in predicting conflict.

I begin by discussing how scholars treat constraints on the executive during peacetime as a restraining force preventing international conflict. I explain that in democracies peacetime constraints and constraints during crises differ substantially. Since emergency provisions reduce the institutional constraints placed on the leader during times of conflict, leaders have an incentive to prefer conflict to peace in cases where a peaceful bargain would otherwise be preferable. In chapter 1, I collected original data on emergency provisions, examining 147 state constitutions, over 500 amendments, and all relevant legislative acts in democratic states from 1816 to 2012 and developed a novel measure of emergency power strength using Bayesian factor analysis on a series of power granting and power restricting passages within emergency provisions. Using those data, I find that that states with stronger emergency powers exhibit a substantially higher propensity for militarized interstate disputes.

Since emergency power provision and conflict behavior are in part determined by the same factors, this baseline test does not sufficiently demonstrate causality. To account for endogeneity, I perform several additional analyses. I first perform analyses that exclude the years immediately following emergency provision adoption and find consistent results. I then instrument for emergency power strength using constitutional word count, relating the level of authority granted in a legal statute to the specificity of the language in that statute [Huber and Shipan, 2002]. Exploiting this plausibly exogenous determinant of emergency power strength to identify exogenous variation in the latent measure of emergency power strength, I find that the effect remains strong and significant. Lastly, I demonstrate the full causal chain of the theory. I find that militarized interstate disputes are more likely to result in a declaration of emergency under strong emergency powers than when powers are weak. A direct consequence of leaders' abilities to expand power through the invocation of emergency provisions is an increased likelihood that they will prefer conflict to access that power.

### **III.2 Political Institutions and Executive Constraints**

Scholars have long argued that differences between democratic and autocratic institutions are central to the state's propensity for international conflict.<sup>1</sup> While there is strong evidence that democracies are less likely to wage war against one another [Babst, 1972; Ray, 1995], the underlying cause of this democratic peace has long faced scrutiny [Maoz and Russett, 1993], with some denying that peace is attributable to the democratic institutions of these states [Rosato, 2003; Gartzke, 2007; Gibler, 2007]. Further, since the pacific nature of democracies does not hold when the unit of analysis is the polity or leader [Maoz and Abdolali, 1989; Debs and Goemans, 2010], the association between conflict and regime type is more complex than a straightforward

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<sup>1</sup>See [Gleditsch, 1992] for an introduction.

relationship between democracy and peace. However, scholars have also critiqued these works over research design techniques [Slantchev et al., 2005; Dafoe, 2011], and these studies do not attempt to unpack the institutions within democracies that determine conflict propensity.

The distinction between autocracy and democracy is not sufficient due to the substantial variation of institutions within these broader categories. For example, the type of domestic audience the leader faces and the mechanisms the audience has for restraining or removing overly belligerent leaders account for significant variation in rates of autocratic conflict initiation [Weeks, 2012]. Certain autocratic states – those with civilian regimes with powerful elite audiences – are not significantly more bellicose than the average democratic state.

When likewise examining institutional variation within democracies and international conflict, scholars primarily consider how democracies construct institutions to restrain the leader from using force. While early studies found no difference in the conflict propensity of presidential and parliamentary regimes [Reiter and Tillman, 2002; Clark and Nordstrom, 2005], scholars have recently found evidence that leaders of presidential democracies may be more conflict prone [Chiozza and Goemans, 2011]. In parliamentary regimes, leaders under majoritarian systems are considerably more likely to initiate or participate in international conflict than those under proportional representation systems [Leblang and Chan, 2003], but the state's propensity for international conflict does not vary whether the current ruling block represents a majority, coalition, or minority government [Reiter and Tillman, 2002; Clark and Nordstrom, 2005]. In presidential and mixed systems, whether there is unified or divided government exerts no influence on conflict behavior [Leblang and Chan, 2003], although congressional support is a positive predictor of major uses of force in the United States [Howell and Pevehouse, 2011].

Leaders show greater restraint in initiating conflicts abroad when the legislature exerts greater control over foreign policy, such as congressional control over treaty ratification [Reiter and Tillman, 2002; Clark and Nordstrom, 2005], and additional structural veto points correspond to demonstrably less assertive foreign policy [Ferejohn and Rosenbluth, 2008]. The diffuseness of political accountability directly affects the willingness to use force [Koch and Gartner, 2005], with higher levels of both political participation [Reiter and Tillman, 2002] and inclusivity decreasing the likelihood a leader will initiate an interstate dispute [Ferejohn and Rosenbluth, 2008]. In sum, leaders of democracies who face high barriers to conflictual behavior avoid using force, while those with low costs are more willing to engage in potentially conflictual situations [Palmer et al., 2004].

These studies focus on how democracies design institutions to prevent the executive from engaging in foreign conflict. However, while this is central to understanding the relationship between democratic institutions and conflict behavior, the relationship between constraints and conflict is not unidirectional. In many democracies, standard constraints on the political behavior of the executive are reduced or removed in times

of military conflict, allowing leaders to utilize powers typically reserved for autocrats. In these democracies, constraints on the executive are not exogenous determinants of conflict behavior – they are partly endogenous to conflict.

### **III.3 Emergency Powers and Conflict**

The state's conflict status can determine the level of constraint on the executive in democracies due to the presence of emergency provisions. Emergency provisions are legal acts that expand the purview of state actors during times of international or domestic crisis. Emergency provisions vary across several dimensions, as I described in the previous chapter. For the purposes of this chapter, I am interested in the significant variation in the scope of application and depth of the power granted to executives during times of conflict. At the low end of this variation, in 12% of cases, the leader can declare a state of emergency but sees no meaningful increase in their power. In a further 12% of cases the leader has the ability to suspend certain rights or civil liberties, but can take no policy action. Provisions that grant policy power can also specify substantial constraints. Under the current Constitution of the Philippines, the President can direct national policy during a state of emergency if Congress has declared an emergency via a two-thirds vote, but Congress must authorize any emergency powers and sets restrictions on the timeframe and extent of these powers (Constitution of the Philippines, 1987, Section 23 Articles 1-2).

However, there are also emergency provisions that grant the leader broad, sweeping power. The Constitution of South Korea of 1987 grants the President the authority to proclaim martial law and introduce special measures to ensure the public safety without the consent of the National Assembly, which can lift martial law only retroactively through a majority vote (Article 77.1-5). Often, as in the Macedonian Constitution of 1992, emergency provisions grant the leader the ability to “issue decrees with the force of law (Article 126)” during a crisis. The Colombian Constitution of 1992 simply grants the president “the powers strictly necessary to repel the aggression (Article 212),” with no further limitations. Nearly 40% of emergency provisions grant this extensive level of policy power.

The breadth of such provisions allows the leader to influence policy in areas outside of the emergency. Framers who enact emergency provisions must therefore consider the tradeoff between democratic ideals and stability. There is some risk that a leader will abuse their enhanced powers to circumvent the state's institutions. If the leader successfully prosecutes the conflict using the emergency powers, this risk may be worth the reward. The prevalence of emergency provisions suggests states are willing to make this tradeoff. However, the very existence of these emergency powers may cause leaders to prefer conflict to peace in the first place. Emergency provisions alter the balance of domestic political power during times of conflict. This reduction of constraints can provide great benefit for the leader that can only be accessed when the nation is

engaged in such conflict.<sup>2</sup>

Rational democratic leaders will attempt to maintain themselves in office by enacting the policies necessary to retain the support of their winning coalition. If a state leader engages in an international crisis, emergency powers may prove an attractive tool to achieve her policy agenda, particularly when she envisions enacting her desired policy goals is otherwise costly.<sup>3</sup> Emergency powers tilt the balance of political power towards the executive during times of conflict.<sup>4</sup> Even narrow emergency provisions grant democratic leaders a number of repressive tools to silence the opposition and inhibit potential opponents from coordinating against the government. Emergency powers often extend the executive's control further, granting near-dictatorial power for the duration of the conflict. In a number of cases, emergency provisions grant leaders the ability to make policy declarations with the force of law and to combat the threat 'by any means necessary.' Further, this power often extends past decision-making relating specifically to military operations regarding the threat at hand. In the previously referenced Honduran Constitution of 1982, the executive can seize control over domestic political tools such as the collection of taxes and the allocation of the budget. Such broad powers can allow the leader to assert control over the domestic agenda and may prove a desirable tool to solidify their presence in office.

Emergency provisions that are conditional on external threat and interstate conflict can expand the leader's power, but she must engage the state in costly conflict to do so. As in a typical bargaining framework, when making or receiving offers over a conflicted good, the leader weighs the benefits of using force against the costs of war. The political benefits of expanding power through emergency provisions form an important component of this decision calculus.<sup>5</sup> Holding costs constant, emergency powers increase the range of status quo positions that the leader is willing to challenge and decreases the range of offers that the leader is willing to accept.<sup>6</sup> This intuition follows from the result that the expected probability of war is weakly decreasing in the cost of war [Fearon, 1995], as emergency powers serve to offset some portion of the costs of war. In a world of pervasive uncertainty, as this pre-conflict bargaining range shrinks, the probability of a successfully bargain falls, and conflict becomes more likely.<sup>7</sup> Further, scholars have shown that even in a world with no uncertainty, if the ratio of the share of benefits to the share of costs of conflict is positive for the leader, the bargaining range can meaningfully disappear and conflict can ensue [Jackson and Morelli, 2007]. All else

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<sup>2</sup>Leaders can invoke emergency provisions in times of internal disturbance. However, inviting domestic turmoil is arguably riskier than inviting international conflict, given the low probability of interstate conquest.

<sup>3</sup>This may occur when the strength of the opposition or the polarization of the parties makes compromise improbable, for example.

<sup>4</sup>This is distinct from the diversionary theory of war, which has received mixed empirical support. Here, the leader is institutionally advantaged by conflict and is not dependent on rally effects or redirecting public attention.

<sup>5</sup>I present a graphical depiction of the argument in the appendix.

<sup>6</sup>Additional results derived from the bargaining model hold with the addition of emergency powers. For example, states with lower costs for war will still be more likely to engage in conflict, holding emergency power strength constant.

<sup>7</sup>Additionally, in a world where there is uncertainty over the probable outcome of war, a pre-conflict agreement between the leader and her domestic opponents is also unlikely.

equal, states with emergency provisions will be more likely to engage in conflict than those without, because the leaders of these states will push for harder bargains that are more likely to result in bargaining failure. The more power granted during an emergency, the larger the average effect on the likelihood of conflict, as the personal benefits the leader derives from conflict will offset the costs of waging war to a greater extent.

*Hypothesis 1: Democracies with strong emergency powers have a higher propensity for international conflict than democracies with weak or no emergency powers.*

#### **III.4 The Decision to Grant Emergency Powers**

Though there are few direct accounts of the decision to adopt emergency powers, historical accounts of constitution-making in democracies suggests factors that influence the decision to adopt emergency powers. Framers of democratic institutions grant emergency powers due to the high stakes of international conflict [Rossiter, 1948]. A number of factors that influence the likelihood of conflict might therefore also drive the decision to adopt emergency provisions and lead to a spurious finding.

As discussed in Chapter 1, states that have experienced a greater number of international conflicts should be likely to adopt strong emergency powers. Scholars also suggest that states facing a looming threat such as an international rival are significantly more likely to deliver powers to the executive in times of emergency to guard against future confrontations with the rival. Framers likewise grant emergency powers when they strongly fear the vulnerability of the nation's peacetime institutions to internal threats such as rebellion or economic collapse.

Testing the relationship between emergency power strength and conflict in a manner that supports causal inference requires careful specification. I expect that there are both observable and unobservable factors that are related to both the adoption of emergency powers and conflict behavior, and this can lead to a spurious result. In the following section, I describe the steps taken to test this relationship while accounting for these threats to causal inference.

#### **III.5 Empirical Analysis**

Since there is no individual technique that can definitively demonstrate a causal relationship between my quantities of interest, I take several approaches in my identification strategy. Each test, taken alone, faces some theoretical or methodological limitations. As a result, they constitute parts of a larger test. A consistent effect across specifications should increase confidence in a causal relationship between emergency power strength and international conflict.

The key independent variable of interest is the measure of emergency power strength I described in chapter 1. My dependent variable is the onset of a militarized interstate dispute (MID) for each democracy-



year using the Correlates of War (COW) Militarized Interstate Disputes dataset [Jones et al., 1996].<sup>8</sup> MID capture a wide range of military crises that may trigger emergency provisions. In the appendix, I consider alternative dependent variables.<sup>9</sup>

I begin with a model designed to serve as a baseline for setting expectations about the strength of the relationship. I include a number of controls in this baseline model to avoid a spurious finding. It is possible that both emergency power strength and conflict are driven by a culture or history of conflict within the state. As a result, I control for the count of previous militarized interstate disputes involving the state up to the given year [Sarkees and Wayman, 2010]. Since the presence of rival states could be related to emergency power strength and rivals engage in militarized disputes in greater numbers than other states [Goertz and Diehl, 1993; Goertz and Diehl, 1995], I control for the presence of an interstate rivalry [Thompson and Dreyer, 2011].<sup>10</sup> States with greater power projection capabilities may be associated with both conflict and stronger emergency powers in the expectation of future conflict. To account for this, I control for the material capabilities or CINC score for each state-year [Singer et al., 1972].<sup>11</sup> I control for the presence of a civil war [Sarkees and Wayman, 2010] since states experiencing domestic turmoil are also likely to engage in international conflict [Chiozza and Goemans, 2011], and domestic turmoil may drive emergency power adoption. Lastly, I control for each state's Polity score [Marshall and Jaggers, 2001], to test how peacetime institutions are related to conflict behavior.<sup>12</sup>

As the dependent variable is binary, I estimate a logistic regression where the unit of analysis is the democracy-year. The analysis covers from 1946-2008.<sup>13</sup> I present all results using robust standard errors.<sup>14</sup> To control for country-specific factors that might both account for the existence of an emergency provision in a country and the likelihood of conflict in that same country, I include two models with country fixed effects.<sup>15</sup> To account for temporal trends and duration dependence I include polynomial temporal controls for the time since the state last experienced a militarized interstate dispute and polynomial temporal controls

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<sup>8</sup>Using data on invocation [Hafner-Burton et al., 2011], from 1970 to 2007, I find roughly 30% invocations of states of emergency coincide with MID. I consider the possibility of reverse causality in the appendix. I find strong emergency powers interact with crises to produce states of emergency, rather than states of emergency leading to disputes.

<sup>9</sup>I use conflict onset as the dependent variable rather than conflict initiation, as the theory suggests that leaders who can access emergency powers will take riskier stances in bargaining, not that they will be the first mover if bargaining breaks down. Nevertheless, I find the results hold using MID initiation as the dependent variable. Several robustness checks contained in the appendix use the onset of a war as the dependent variable [Sarkees and Wayman, 2010]. The results are consistent with the analysis for MID, but are less precisely estimated.

<sup>10</sup>Since alliances may drive a spurious relationship through a similar mechanism, I include a robustness check where I control for NATO membership. The results do not change. I show this result in the appendix.

<sup>11</sup>As an alternative measure of power projection, I include major power status. The results are unchanged. I display this result in the appendix.

<sup>12</sup>As an additional measure of democratic institutions, I control for whether the state has a presidential or parliamentary system. The results hold. I show this in the appendix.

<sup>13</sup>This is due to the inclusion of civil war data as a control. Excluding this variable allows me to examine the time frame of 1848 to 2008. I find that the relationship between emergency powers and conflict holds across this time frame as well.

<sup>14</sup>I present models with clustered standard errors in the appendix with similar results. However, clustering standard errors violates the assumptions of logistic regression.

<sup>15</sup>In large samples there is likely no difference in the bias between an unconditional and conditional logit when the model contains fixed effects [Katz, 2001].

since the state was last nondemocratic [Carter and Signorino, 2010].<sup>16</sup> I further provide a model that accounts for the uncertainty in the Bayesian measure in the appendix [Crabtree and Fariss, 2015].

Table III.1: Emergency Powers and MID Onset

	(1)	(2)	(3)	(4)
	MID Onset	MID Onset	MID Onset	MID Onset
Emergency Power Strength	0.168*** (0.0570)	0.259* (0.138)	0.184*** (0.0644)	0.270* (0.149)
Rivalry	1.257*** (0.114)	1.166*** (0.221)	1.069*** (0.129)	1.030*** (0.238)
Civil War	0.854* (0.453)	0.0957 (0.425)	0.809* (0.435)	-0.0511 (0.435)
CINC Score	16.63*** (5.052)	-7.985 (8.725)	19.67*** (4.554)	-5.615 (9.165)
Past MIDs	0.00680*** (0.00135)	-0.0131*** (0.00420)	0.00770*** (0.00136)	-0.00779 (0.00630)
Polity Score	0.0860** (0.0404)	-0.000540 (0.0862)	0.123** (0.0508)	-0.0148 (0.0986)
Constant	-1.617*** (0.203)	3.960*** (1.329)	-1.809*** (0.246)	3.634** (1.590)
Observations	2795	2497	2569	2338
Country Fixed Effects	No	Yes	No	Yes
Temporal Dependence Polynomials	No	No	Yes	Yes

Robust standard errors in parentheses

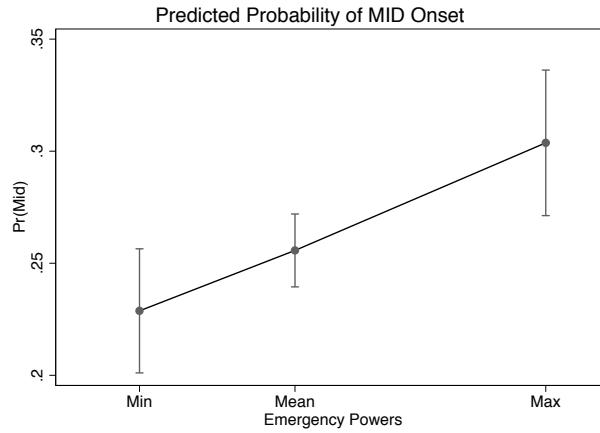
\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.1 displays the initial results. Model 1 is the baseline model. Model 2 adds country fixed effects. Model 3 adds peace-year polynomials and democracy-year polynomials. Model 4 includes both the country fixed effects and the temporal polynomials. In Models 1 and 3, emergency powers are a statistically significant positive predictor of a militarized interstate dispute. In Model 3, considering a state at the maximum value of emergency powers rather than a state with no emergency powers, with continuous variables held constant at their means and binary variables held at their modes, results in a statistically significant change in the predicted probability of MID onset from .228 to .304, as depicted in Figure III.1. This is a nearly eight-percentage point or 33% increase in the predicted probability of a MID. A shift from the 25th percentile to the 75th percentile of emergency power strength changes the predicted probability of MID onset from .231 to .288, a greater than five percentage point or 25% increase in the predicted probability of a MID. This difference is statistically significant. The baseline model suggests that the conflict propensity of states with

<sup>16</sup>The results are also robust to year fixed effects, presented in the appendix.

strong emergency powers is significantly higher than those without strong emergency powers.<sup>17</sup>

Figure III.1: Predicted Probabilities of MID Onset



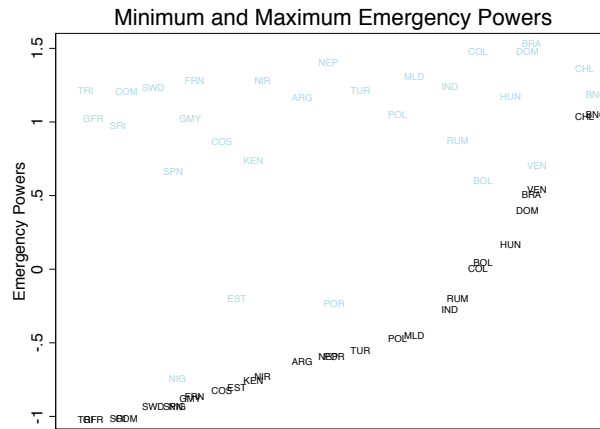
Looking at the specifications using country fixed effects, it is first of note that many countries do not significantly alter their emergency powers throughout the analysis.<sup>18</sup> In Figure III.2, I display the maximum and minimum constitutional emergency power strength scores for each democracy in which there is a substantive shift in the strength of the emergency provision. These shifts occur across a number of countries, and many of the shifts are quite important; however, the total number of substantive shifts in emergency power strength is relatively low. Since the independent variable of interest changes rarely over time, there is little within country variation.<sup>19</sup> As a result, the fixed effects will soak up most of the explanatory power of those variables [Beck, 2001]. Further, as the dependent variable is a rare event, some states never experience conflict and thus do not influence the parameter estimates [Beck and Katz, 2001]. This means that even if a within country effect exists, the lack of variation in the independent variable may not allow me to estimate the effect.

<sup>17</sup>There may be concern that the relationship is influenced by cases where the emergency powers apply to domestic crises or humanitarian emergencies rather than external conflicts. However, emergency provisions that do not specifically refer to external conflicts uniformly receive low score for emergency power strength. There are 56 instances of militarized interstate dispute onset under emergency powers that do not specifically apply to external crises. All but three of these are contained within the lowest 10% of values of the emergency power strength variable, and only one is above the lowest 25%.

<sup>18</sup>There are 39 instances of substantial emergency power revision. This should help alleviate concerns regarding endogeneity. If emergency provisions were truly endogenous to conflict, they should change much more frequently in response to conflict. I find no relationship between conflict and the decision to change emergency powers, which should also alleviate causal concerns regarding the use of fixed effects.

<sup>19</sup>Since emergency power strength is calculated in a Bayesian framework, there is year-to-year variation in emergency power strength that results from the iterative process calculating different posterior means from the same set of inputs.

Figure III.2: Constitutional Emergency Power Strength Across Countries



However, the fixed effects models do recover an effect of emergency power strength on conflict onset. This effect is substantively larger than the effect in the baseline model. Although emergency power strength reaches only the 90% confidence level in a two-tailed test in both Model 2 and 4, the relationship is significant at the 95% confidence level with a one-tailed test (p-values of .030 and .035 respectively).<sup>20</sup> This provides significant evidence that a change in emergency power provision results in a change in conflict propensity.

These baseline models provide initial evidence of a relationship between the strength of emergency powers in democracies and the likelihood of a military conflict. However, despite the inclusion of country-fixed effects, concerns over endogeneity remain. First, if the originating conditions for emergency power adoption influence future conflict behavior this may be driving the results. Further, if the framers of the emergency provisions grant stronger emergency powers because they anticipate conflict will occur in the near future, the relationship would not be causal.<sup>21</sup> Instead of emergency power strength causing conflict, emergency powers would be caused by the anticipation of future conflict.

To examine if it is indeed the originating conditions and not the emergency powers themselves that are driving conflict behavior, I exclude the immediate post-adoption years. This model relies on the assumption that the original motivation for adoption dissipates over time while the emergency powers remain. For this analysis, I exclude all country-years in the first year following adoption, the first five years, the first ten years, and the first fifteen years following adoption. I present these results in Table III.2.

<sup>20</sup>Since this reduced precision results from inflated standard errors, it is likely that this results from reduced variation to leverage, rather than a reduced effect. Further, I find that emergency power strength is a strong and significant predictor for conflict onset when region fixed effects, which account for a significant portion of the cross-national variation, are utilized instead. This model is in the appendix.

<sup>21</sup>One such endogenous relationship is nonetheless consistent with my theory. If future leaders themselves are involved in the writing of emergency provisions, they should push for rules diverting greater powers to the executive in times of future conflict. Further, this effect should be greater if they are leaders anticipate a number of future crises. However, it is difficult to assess systematically or empirically how involved future leaders are in the drafting process.

Table III.2: Future MID Onset and Emergency Powers

	(1)	(2)	(3)	(4)
	One Year On	Five Years On	10 Years On	15 Years On
Emergency Power Strength	0.182*** (0.0669)	0.218*** (0.0709)	0.183** (0.0786)	0.176** (0.0874)
Rivalry	1.093*** (0.137)	1.008*** (0.149)	1.087*** (0.169)	1.284*** (0.195)
Civil War	1.026* (0.551)	1.046* (0.596)	1.204* (0.675)	1.173 (0.735)
CINC Score	18.47*** (4.497)	18.43*** (4.512)	16.94*** (4.627)	16.19*** (4.789)
Polity Score	0.126** (0.0535)	0.139** (0.0602)	0.124* (0.0750)	0.107 (0.0914)
Past MIDs	0.00821*** (0.00141)	0.00776*** (0.00147)	0.00886*** (0.00154)	0.00896*** (0.00163)
Constant	-3.250*** (0.466)	-3.378*** (0.538)	-3.714*** (0.683)	-3.540*** (0.868)
Observations	2407	2100	1827	1526
Temporal Dependence Polynomials	Yes	Yes	Yes	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

The relationship between emergency power strength and conflict remains significant when excluding the years immediately following the adoption of emergency powers. The magnitudes across different time frames display only mild variation. This analysis suggests that unless the originating conditions for emergency powers persist for a great many years, the relationship between emergency powers and conflict behavior is independent of the factors that drive emergency power choice.

To further support a causal relationship, I utilize the predominant statistical method to confront endogeneity – instrumental variable analysis. Instruments selected to reflect many of the systematic components of emergency power determination – the state’s past and present conflict environment or the state’s history of domestic instability – would almost certainly have an independent effect on crisis behavior.<sup>22</sup> Clearly exogenous portions of emergency powers, such as the portion of a constitution that is taken directly from neighboring constitutions, are difficult to measure. Further, it is not clear how they would explain variation in emergency power strength.

I instrument for emergency power strength using the word count of the state’s constitution. Framers can choose to incorporate emergency provisions into constitutions, or they can choose to exclude these provisions.

<sup>22</sup>One possibility to minimize the impact of this issue is to select an instrumental variable based on the component’s value at the time of emergency power adoption, as time should diminish the importance of the originating factors of emergency power provision. In the appendix I perform one such analysis, utilizing the count of past irregular leader turnover events free from foreign intervention at the emergency provision’s time of adoption. I find strong support for the relationship between emergency power strength and conflict onset.

More verbose constitutions are more likely to spell out institutional arrangements for a greater number of contingencies and more words are necessary to spell out additional powers. As such, longer constitutions are more likely to contain emergency provisions that grant emergency powers and, in the case of emergency powers, I have argued that codification of powers within a formal document is vital for their strength.

However, the literature on bureaucratic discretion [Huber and Shipan, 2002] suggests that the level of policy detail written into authorizing statutes determines the authority the bureaucracy has to influence policy at the implementation stage. Huber and Shipan argue that verbosity generally corresponds with specificity, lower freedom of interpretation, and reduced discretion. High word counts in statutes therefore imply a lower level of discretion for the agent. Following this logic, framers that adopt more verbose constitutions should also be more likely to craft more specific, and thus less powerful, emergency power provisions. Once framers specify emergency powers, additional language can only serve to qualify and restrict those powers. Thus the relationship between constitutional word count and emergency power strength is likely nonlinear – positive initially, where states institutionalize the existence of additional powers, but eventually negative, as they qualify these powers. To account for this possibility I model the relationship with a quadratic form.

To construct the instrument, I first count the number of words in each state's constitution.<sup>23</sup> For democracies where the constitution is not available in English, I use Huber and Shipan's verbosity multiplier to correct for the document's language [Huber and Shipan, 2002].<sup>24</sup> I subtract the number of words in the emergency power provision and all passages that refer to violent internal or external conflict, which might inflate the word count of a constitution due to the expectation of conflict, from this number. This ensures that I am not creating a measure that serves as a proxy for emergency power strength that would be susceptible to the same endogeneity concerns as the original measure. I take the natural log of this number, to correct for the skew of the word count data, and use both this number and its square as instruments, to model a curvilinear relationship.<sup>25</sup>

It is often difficult to satisfy the exclusion restriction when conducting instrumental variable analyses, particularly in political science, where endogeneity pervades not just our variables of interest, but also their correlates. Though there are a number of ways in which state constitutions may influence conflict behavior, there is no obvious direct relationship between the number of words in the constitution and the likelihood of

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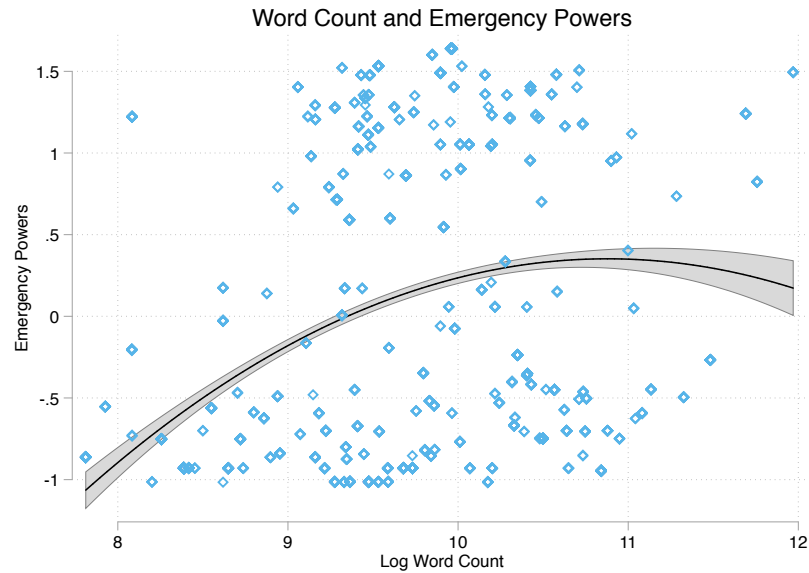
<sup>23</sup>I do not include states that have extra-constitutional emergency powers in this analysis. It is not clear that the same relationship exists between constitutional structure and emergency powers in states that separate emergency provisions from constitutions. This drops just 10 cases from the sample in the previous models.

<sup>24</sup>This is just 705 observations in the full sample. I include results without these corrections, which are virtually identical, in the appendix.

<sup>25</sup>A recent econometric study [Dieterle and Snell, 2014] suggests that using a measure and its square to instrument for an endogenous regressor can improve instrumentation and model fit, as long as concerns about over identification can be allayed. I find that when I do not include the squared term, the results are consistent but the model is less precisely estimated. I present this result in the appendix.

international conflict.<sup>26</sup> I therefore suggest that this is a plausibly exogenous instrument and results consistent with the remainder of my analyses should increase confidence in a causal relationship.

Figure III.3: Emergency Power Strength and Constitutional Word Count



Constitutional word count and its square strongly instrument for the measure of emergency powers.<sup>27</sup> Figure III.3 presents a graphical depiction of the relationship that follows the predicted curvilinear form. General practice suggests that an F-statistic of 10 in the first stage is sufficient for a strong instrument. The F-statistic from the first stage of the model is 87.63. This indicates that weak-identification is not a problem and that the excluded regressors are strong predictors of emergency powers. In light of the decision not to use the just-identified model, I run a test for over identification. The test of over identifying restrictions returns a p-value of 0.9373, suggesting that over identification is not a concern. In each instrumental variable model, I utilize the same set of controls as in the original specification— Polity scores, material capabilities or CINC score, interstate rivalry, previous militarized interstate disputes, and the presence of a civil war.<sup>28</sup>

<sup>26</sup>It is possible that there is an indirect relationship between a history of internal conflict, long passages in constitutions that spell out power-sharing arrangements, and the probability of future internal conflict, which itself can be a predictor of external conflict [Gleditsch et al., 2008]. However, I explicitly control for this indirect possibility using controls for civil war and domestic institutions, and several other controls in my robustness checks, since instrumental variable analysis parcels out only the variation in emergency power strength that is attributable to word count, separate from all other controls. Further, such a provision will account for only a small portion of a constitution’s word count.

<sup>27</sup>I conduct a placebo test using Polity scores in the appendix, and find that constitutional word count predicts and instruments for Polity scores very poorly.

<sup>28</sup>As a robustness check, I control for the effect of time (1-(1/Year-Adoption Year)), which indicates whether years closer to or farther away from the year of adoption are associated with a higher probability of MID onset. The results are virtually identical.

Table III.3: Instrumental Variable Analysis: MID Onset

	(1)	(2)
MID Onset		
Emergency Power Strength	0.379** (0.165)	0.389** (0.189)
Constant	-1.903*** (0.276)	-2.206*** (0.357)
Emergency Power Strength		
Log Constitutional Word Count	2.736*** (0.401)	3.172*** (0.404)
Log Constitutional Word Count (Squared)	-0.127*** (0.0204)	-0.151*** (0.0205)
Constant	-13.38*** (1.966)	-14.99*** (1.975)
Observations	2384	2174
Temporal Dependence Polynomials	No	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

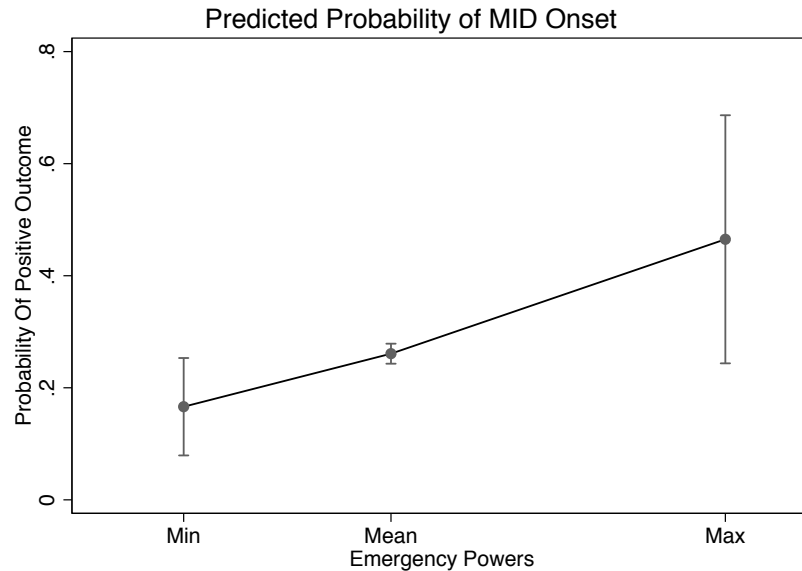
The first stage results capture the relationship between constitutional word count and emergency power strength using ordinary least squares, while the second stage estimates a probit regression.<sup>29</sup> As shown in Table III.3 and Figure III.4, the results of the instrumental models are consistent with the initial model.<sup>30</sup> Although the models are not directly comparable, since the predicted probability of conflict under strong emergency powers is higher in this model than in previous models, as shown in Figure III.4, there is little evidence that the relationship is weaker than first suggested. If the instruments do not have an independent relationship with future conflict behavior, the relationship between emergency power strength and conflict onset is unlikely to have been found purely due omitted variable bias.

<sup>29</sup>I use a second-stage probit regression as there is no clear method to calculate the standard errors for a second stage logit. This makes the further use of country fixed effects difficult, as the returned standard errors may be biased [Greene, 2004]. Further, in this model country fixed effects would make precise estimation difficult, given the estimation issues described earlier, and prove overly stringent. To account for this, I perform an instrumental variable analysis using a linear probability model with region fixed effects and robust standard errors in the appendix. The results are consistent with the results here.

<sup>30</sup>I present the full specification in the appendix.



Figure III.4: Instrumental Variable Analysis



Each test performed is indicative of the same result – emergency power strength is a positive predictor of international conflict. These results hold years into the future when it is likely that the originating conditions that drive emergency powers are no longer present, indicating that it is unlikely these results are being driven by the anticipation of conflict. Most stringently, the results hold using an instrument that is theoretically exogenous. This analysis provides strong evidence for the theoretical link between emergency power strength and the willingness of the leader to engage in conflict.

While I have demonstrated that there is a strong relationship between emergency power strength and conflict onset, the full causal argument suggests that for states with strong emergency powers, conflict onset will result in the invocation of a state of emergency, so that the executive can make use of the extraordinary powers. I test this final link in the causal chain using data on declared states of emergencies from 1970 to 2007 [Hafner-Burton et al., 2011]. My dependent variable captures whether or not a government has declared a state of emergency in a given year. My key variable of interest is an interaction between conflict onset and emergency power strength. To ensure the appropriate temporal order, I lag the onset of a militarized interstate dispute by one year. I use a number of controls to avoid a spurious result – Polity scores, previous militarized interstate disputes, interstate rivalry and the presence of a civil war, as well as the percentage of the population deemed powerless [Cederman et al., 2010], ethno-linguistic fractionalization [Collier and Hoeffler, 2004], the count of previous coups within the state [Powell and Thyne, 2011], the state’s level of inequality (Gini coefficient) [World Bank, 2007], and GDP per capita [Gleditsch, 2002]. I estimate a logistic

regression where the unit of analysis is the democracy-year and include polynomial temporal controls.

Table III.4: Emergency Powers, MIDs, and Declared SOEs

	Declared SOE
MID Onset (Lagged)	-0.207 (0.134)
Emergency Power Strength	0.0551 (0.0603)
MID Onset (Lagged) $\times$ Emergency Power Strength	0.232** (0.115)
Constant	-1.252*** (0.463)
Observations	1618

Robust standard errors in parentheses  
\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

I present the results in Table III.12.<sup>31</sup> As the results demonstrate, militarized interstate disputes are a strong predictor of the declaration of a state of emergency, but only in states with strong emergency powers. While a democracy that has experienced a conflict in the previous year and has the lowest level of emergency powers has just a 13% probability of declaring a state of emergency, a state with the highest possible emergency powers has a 28% probability of declaring a state of emergency. This difference suggests that states that have strong emergency powers are markedly more likely to declare an emergency when a conflict occurs. When coupled with the results that show that emergency powers are a strong predictor of conflict onset, this suggests that emergency powers do indeed drive leaders to invite conflict so that they may access these powers.

### III.6 Conclusion

The limitation of centralized political power is a long held democratic value designed to ward off tyranny. The separation of powers specifically improves both accountability and transparency in government [Persson et al., 1997]. If the balance of power in democracies is sufficiently re-ordered during times of emergency, this creates incentives for leaders to take on a greater risk of international conflict or to seek out conflicts that will cause emergencies. This provides a rationalist explanation for conflict that is driven by domestic politics rather than strictly by the interactions between states. This raises two key points. First, the rules and institutions of democratic governance exert an influence on international conflict. Second, when the centralization of political power is effectuated during times of conflict, there is no guarantee that power will shift back when the crisis dissipates. Instead, powers extended during war often shape governance in

<sup>31</sup>I present the full specification in the appendix.

peacetime for many years post-conflict, and sometimes indefinitely [Corwin, 1984]. This calls into question the way we currently view democratic states, as we must reconsider whether states with strong emergency powers truly qualify as liberal democracies.

In this chapter, I provide two central contributions to the study of political institutions and international conflict. The first contribution is to explain some variation in democratic conflict through examining the impact of democratic institutions on foreign policy decision-making, and vice versa. Scholars have primarily considered the ways in which democratic institutions constrain the ability of a leader to use force abroad. I demonstrate that it is not always the case that democratic institutions restrain conflict behavior. In some instances the direction of this relationship is reversed – conflict minimizes the domestic constraints on the leader, and thus leaders invite conflict. This study thus improves our understanding of the causes of conflict, and specifically when and why we see democratic leaders engage in conflict.<sup>32</sup>

Finally, I again demonstrate one way in which variation within states that share the same regime type is as important as differences between regimes of different types, and thus emphasize the importance of capturing these differences in our measures and models. I demonstrate that in democracies with strong emergency powers, the distinction between autocracy and war-time democracy can be unclear. Future studies of the association between regime type and conflict must consider institutional structure in a way that moves beyond the traditional separation of democracy and autocracy. This will require scholars to advance measures of democracy and autocracy. It is important to measure variation within regime type in regards to the quantity in question. When we consider differential impacts of democratic institutions in times of conflict, we must ensure that we are examining the relevant institutions for times of conflict, and not peacetime institutions.

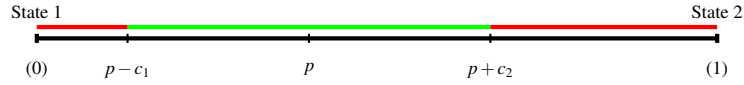
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<sup>32</sup>In Author (Unpublished), I find similar results for the relationship between emergency powers and the escalation of crises, to the level of direct military engagement and violence.

### III.7 Appendix

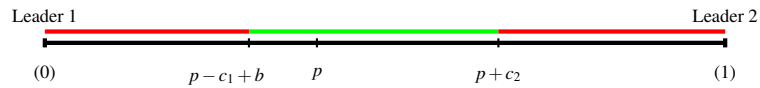
#### Graphical Depiction of Theory

**Figure 1**



I present a graphical depiction of the traditional bargaining model of war in Figure 1. Here, the offer that the states will accept is determined solely by the probability their side will prevail in conflict, as determined by their relative capabilities ( $p$ ) and their costs ( $c$ ). Any offer that is made by either side that falls into the bargaining range (the area between  $p - c_1$  and  $p + c_2$ ) will be accepted and war will be avoided. Any offer made outside of that range will be rejected, and conflict will follow. Conflict results when each side's relative capabilities ( $p$ ), their costs ( $c$ ), or both are not known, and thus the acceptable bargaining range is uncertain.

**Figure 2**



When engaging in international bargaining, leaders in democratic states that grant institutional emergency powers will push for a more favorable bargaining than their relative capabilities would dictate because their personal acceptable bargaining range includes an adjustment for the additional domestic power they receive in the event of international conflict. I depict this in Figure 2. Leaders must be compensated for forgoing the personal benefit of conflict ( $b$ ) with additional concessions from the opponent. As a result, the range of outcomes that is acceptable for both sides shrinks. This results in a higher likelihood that uncertainty will result in bargaining failure due to the narrow margin for error in offers between the two sides.

Table III.5: Emergency Powers and Component Parts

	(1)
	Emergency Powers
Declaration	0.0795*** (0.00768)
Exception	0.117*** (0.0137)
Breadth	0.101*** (0.0168)
Civil Emergency	0.0513*** (0.0181)
Crisis	0.0923*** (0.0137)
External Emergency	0.0699*** (0.0250)
Attack	0.0196 (0.0259)
Powers	0.534*** (0.0133)
Vagueness	0.222*** (0.0129)
Domestic	0.0963*** (0.0147)
Policy	0.280*** (0.0149)
Policy Expiration	0.102*** (0.0260)
Emergency Expiration	0.0381*** (0.0132)
Constant	-1.020*** (0.00256)
Observations	4304

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

### MIDs and States of Emergency

I argue that strong emergency powers produce militarized interstate disputes because leaders are able to exercise greater influence over government action during times of emergency. This mechanism requires that leaders activate these emergency powers, and thus that these countries enact states of emergency, during these disputes. I find that roughly 30% of states of emergency coincide with militarized interstate disputes, and MID onset is a strong predictor of a state of emergency.

Table III.6: Bivariate Regression: MID Onset and States of Emergency

	(1) Declared SOE	(2) MID Onset
MID Onset	0.221** (0.106)	
Declared SOE		0.229** (0.109)
Constant	-0.945*** (0.0715)	-0.753*** (0.0509)
Observations	4821	4821

Clustered standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

However, I also find that states of emergency predict MID onset. It is difficult to assert the direction of the causal order of these events. States may declare a state of emergency in response to MIDs because leaders seek to access additional powers. But it is also possible that when states declare a state of emergency, they are vulnerable to outside actors, and thus the probability of a MID increases. Further, the temporal order will not answer this question, since many states can declare emergencies at the very threat of conflict, and thus anticipation, rather than the event itself, could be driving action. A Granger Causality test is likewise inconclusive.

Table III.7: Granger Causality Test: MIDs and Emergencies

	(1) Declared SOE	(2) MID Onset
MID Onset (Lagged)	0.250** (0.102)	
Declared SOE (Lagged)		0.278*** (0.108)
Constant	-0.957*** (0.0707)	-0.792*** (0.0510)
Observations	4800	4821

Clustered standard errors in parentheses  
 \*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

I answer this question by considering emergency power strength. I interact emergency power strength with both declared states of emergency and MID onset as predictors of the other outcome. I find that the interaction between militarized interstate disputes and emergency power strength is in fact a significant predictor of the probability of declaring a state of emergency. This suggests that when a MID occurs, only states with strong emergency powers actually declare a state of emergency, which is consistent with my theory. I find that the interaction between declared states of emergency and emergency power strength is not predictive of MID onset. This makes intuitive sense, as states should be expected to be less vulnerable during a state of emergency under strong emergency powers, all else equal. Further, the probability of MID onset is generally lower for states under a state of emergency than those not in a state of emergency. In sum, this suggests that the direction of causality does not flow from states of emergency to MID onset in the central analysis in this chapter, which should alleviate some concerns over the causality of the result.

Table III.8: Interaction: Declared SOE and MID Onset

	(1) Declared SOE	(2) MID Onset
MID Onset	-0.0446 (0.117)	
Emergency Power Strength	0.113** (0.0555)	0.121*** (0.0430)
MID Onset × Emergency Power Strength	0.224** (0.107)	
Polity Score	-0.00762 (0.0442)	0.0340 (0.0354)
Ethno-Linguistic Fractionalization	0.436** (0.198)	
Powerless Population (%)	1.430*** (0.456)	
Past Coups	0.0498*** (0.00903)	
Inequality	0.0167*** (0.00577)	
GDP Per Capita	-0.0181* (0.00965)	
Civil War	0.902** (0.354)	0.306 (0.369)
Number of Spoken Languages	-0.0391*** (0.00754)	
Democracy Years	0.0165 (0.0269)	0.00663 (0.0206)
Peace Years	-0.251*** (0.0479)	0.0857* (0.0469)
Declared SOE		-0.450*** (0.139)
Declared SOE=1 × Emergency Power Strength		0.231* (0.129)
Rivalry		0.649*** (0.0874)
CINC Score		10.24*** (2.958)
Past MIDs		0.00468*** (0.000932)
Constant	-0.726 (0.471)	-1.463*** (0.292)
Observations	1604	1927
Peace Year Splines	Yes	Yes
Democracy Year Splines	Yes	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$



Figure III.5: Interaction of SOE Declaration and Emergency Powers

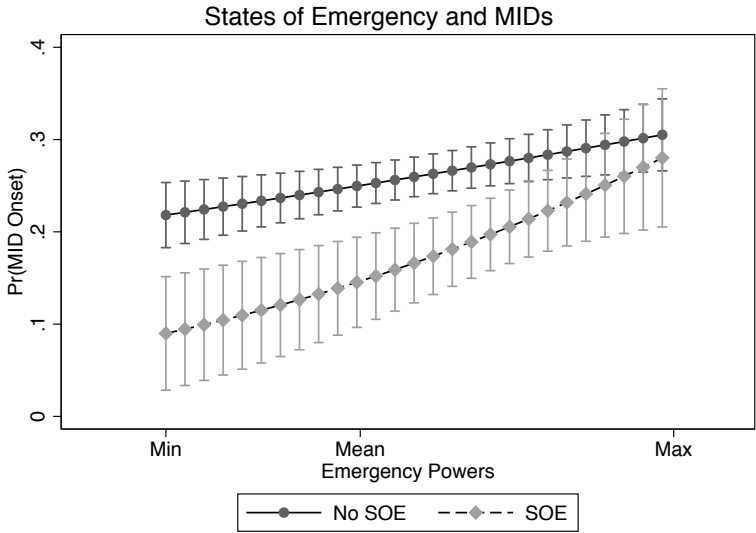


Figure III.6: Interaction of MID Onset and Emergency Powers

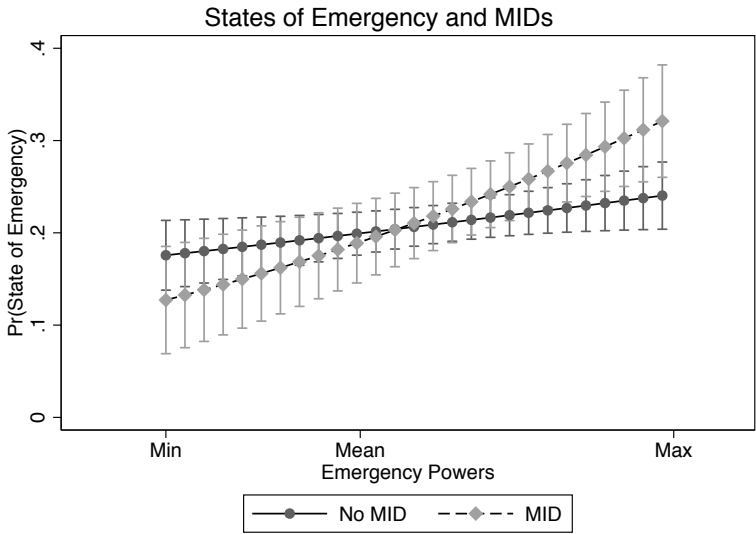


Table III.9: Emergency Powers, MIDs, and Declared SOEs

	(1) MID Onset
Declared SOE	
MID Onset (Lagged)	-0.207 (0.134)
Emergency Power Strength	0.0551 (0.0603)
MID Onset (Lagged) × Emergency Power Strength	0.232** (0.115)
Polity Score	-0.0140 (0.0441)
Past MIDs	0.00668*** (0.000807)
Rivalry	0.150 (0.106)
Powerless Population (%)	1.635*** (0.460)
Ethno-Linguistic Fractionalization	-0.347* (0.178)
Past Coups	0.0463*** (0.00964)
Inequality	0.0228*** (0.00557)
GDP Per Capita	-0.0335*** (0.00928)
Civil War	0.385 (0.443)
Constant	-1.252*** (0.463)
Observations	1618
Peace Year Splines	Yes
Democracy Year Splines	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.10: Bivariate Regression: MID and Emergency Powers

	MID	War
Emergency Powers	0.129*** (0.0226)	0.122** (0.0528)
Constant	-0.796*** (0.0221)	-2.132*** (0.0509)
Observations	4107	3826

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.11: Binary Emergency Powers and MID Onset

	(Probit) MID Onset	(Probit) MID Onset
Emergency Power (Binary)	0.119* (0.0656)	0.0868 (0.0711)
Rivalry	0.760*** (0.0681)	0.654*** (0.0752)
Civil War	0.519* (0.265)	0.481* (0.257)
CINC Score	7.430*** (2.462)	9.408*** (2.679)
Past MIDs	0.00453*** (0.000778)	0.00520*** (0.000812)
Polity Score	0.0509** (0.0227)	0.0573** (0.0287)
Peace Years		0.0128 (0.0313)
Democracy Years		0.0450** (0.0176)
Constant	-1.724*** (0.217)	-1.811*** (0.260)
Observations	2795	2569
Peace Year Splines	No	Yes
Democracy Year Splines	No	Yes

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.12: Emergency Powers With Uncertainty Measurements

	MID Onset
Emergency Power Strength	0.092* (0.063)
Rivalry	1.345*** (0.125)
Civil War	0.840* (0.471)
CINC Score	24.332*** (4.384)
Past MIDs	0.007*** (0.001)
Polity Score	0.095** (0.0448)
Constant	-2.938*** (0.410)
Observations	2308

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

I follow Crabtree and Fariss (2015) in including the measure of uncertainty around the Bayesian estimate in my baseline regression using 1000 random draws from the distribution of the posterior. The results are weaker, but still indicative of the same general pattern as before.

Table III.13: Component Parts and MID Onset I

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rivalry	0.764*** (0.0673)	0.757*** (0.0679)	0.745*** (0.0674)	0.770*** (0.0677)	0.753*** (0.0688)	0.767*** (0.0669)	0.800*** (0.0677)
Civil War	0.505* (0.263)	0.508* (0.264)	0.473* (0.270)	0.473* (0.268)	0.480* (0.260)	0.475* (0.270)	0.503* (0.264)
CINC Score	7.586*** (2.537)	7.691*** (2.536)	7.795*** (2.412)	7.006*** (2.248)	7.458*** (2.476)	7.716*** (2.361)	7.958*** (2.566)
Previous MIDs	0.00449*** (0.000783)	0.00438*** (0.000798)	0.00439*** (0.000763)	0.00471*** (0.000747)	0.00467*** (0.000761)	0.00414*** (0.000760)	0.00372*** (0.000871)
Polity Score	0.0389* (0.0222)	0.0413* (0.0223)	0.0658*** (0.0233)	0.0553** (0.0227)	0.0579** (0.0242)	0.0474** (0.0226)	0.0576** (0.0230)
Policy	0.0861** (0.0350)						
Powers		0.0747** (0.0321)					
Breadth			0.279*** (0.0624)				
Crisis				0.250*** (0.0579)			
Exception					0.143** (0.0711)		
Vagueness						0.290*** (0.0580)	
Retro Checks							0.129*** (0.0390)
Constant	-1.603*** (0.203)	-1.632*** (0.205)	-1.940*** (0.225)	-1.806*** (0.214)	-1.812*** (0.240)	-1.743*** (0.210)	-1.766*** (0.213)
Observations	2795	2795	2795	2795	2795	2795	2795

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.14: Component Parts and MID Onset II

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rivalry	0.774*** (0.0677)	0.788*** (0.0702)	0.776*** (0.0681)	0.765*** (0.0685)	0.792*** (0.0682)	0.824*** (0.0683)	0.783*** (0.0674)
Civil War	0.512* (0.263)	0.505* (0.260)	0.503* (0.260)	0.495* (0.259)	0.503* (0.258)	0.454* (0.258)	0.502* (0.260)
CINC Score	7.246*** (2.541)	6.778*** (2.393)	7.049*** (2.537)	7.285*** (2.648)	6.808*** (2.418)	6.116*** (2.349)	6.833*** (2.442)
Previous MIDs	0.00469*** (0.000781)	0.00482*** (0.000741)	0.00479*** (0.000757)	0.00473*** (0.000772)	0.00483*** (0.000749)	0.00510*** (0.000732)	0.00483*** (0.000808)
Polity Score	0.0420* (0.0222)	0.0386* (0.0227)	0.0426* (0.0223)	0.0429* (0.0223)	0.0375* (0.0224)	0.0207 (0.0230)	0.0404* (0.0230)
Declaration	0.0415 (0.0433)						
Civil Em.		-0.0208 (0.0607)					
External Em.			0.0925 (0.101)				
Attack				0.138* (0.0800)			
Policy Expir.					-0.0836 (0.0707)		
Em. Expiration						-0.301*** (0.0646)	
Prior Checks							-0.000018 (0.0340)
Constant	-1.611*** (0.207)	-1.537*** (0.214)	-1.667*** (0.227)	-1.698*** (0.212)	-1.522*** (0.205)	-1.300*** (0.213)	-1.564*** (0.213)
Observations	2795	2795	2795	2795	2795	2795	2795

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.15: Component Parts and War Onset I

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rivalry	0.380** (0.150)	0.400*** (0.151)	0.349** (0.151)	0.419*** (0.153)	0.326** (0.149)	0.403*** (0.151)	0.452*** (0.145)
Civil War	0.0746 (0.446)	0.0627 (0.444)	0.00743 (0.457)	0.0326 (0.442)	0.0237 (0.444)	0.0303 (0.455)	0.0766 (0.439)
CINC Score	1.544 (1.497)	1.276 (1.585)	2.597* (1.527)	0.620 (1.593)	2.380 (1.617)	1.577 (1.557)	0.570 (1.527)
Past MIDs	0.00374*** (0.000959)	0.00383*** (0.000951)	0.00381*** (0.000918)	0.00404*** (0.000972)	0.00404*** (0.000895)	0.00374*** (0.000964)	0.00372*** (0.00100)
Polity Score	0.180*** (0.0576)	0.196*** (0.0602)	0.258*** (0.0683)	0.207*** (0.0606)	0.258*** (0.0682)	0.211*** (0.0651)	0.211*** (0.0626)
Policy	0.187** (0.0850)						
Powers		0.133 (0.0818)					
Breadth			0.625*** (0.175)				
Crisis				0.211 (0.145)			
Exception					0.549*** (0.194)		
Vagueness						0.397** (0.157)	
Retro Checks							0.0760 (0.0759)
Constant	-4.380*** (0.538)	-4.526*** (0.571)	-5.387*** (0.662)	-4.578*** (0.564)	-5.363*** (0.675)	-4.734*** (0.626)	-4.559*** (0.579)
Observations	2795	2795	2795	2795	2795	2795	2795

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$



Table III.16: Component Parts and War Onset II

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rivalry	0.387** (0.152)	0.428*** (0.161)	0.401*** (0.152)	0.444*** (0.149)	0.444*** (0.144)	0.447*** (0.152)	0.457*** (0.142)
Civil War	0.0807 (0.445)	0.0516 (0.433)	0.0627 (0.432)	0.0583 (0.432)	0.0243 (0.442)	0.0577 (0.433)	0.0921 (0.438)
CINC Score	1.285 (1.607)	0.172 (1.670)	0.0914 (1.456)	-0.0466 (1.507)	0.0796 (1.526)	-0.0708 (1.620)	0.482 (1.501)
Past MIDs	0.00388*** (0.000971)	0.00420*** (0.000952)	0.00413*** (0.000956)	0.00420*** (0.000953)	0.00441*** (0.000953)	0.00421*** (0.000994)	0.00385*** (0.000945)
Polity Score	0.189*** (0.0569)	0.203*** (0.0621)	0.211*** (0.0604)	0.198*** (0.0591)	0.232*** (0.0655)	0.197*** (0.0608)	0.218*** (0.0650)
Declaration	0.154 (0.105)						
Civil Em.		0.0678 (0.162)					
External Em.			0 (.)				
Attack				0.0108 (0.192)			
Policy Expir.					0.317* (0.167)		
Em. Expir.						-0.00647 (0.157)	
Prior Checks							0.0875 (0.0802)
Constant	-4.444*** (0.544)	-4.483*** (0.590)	-4.468*** (0.548)	-4.410*** (0.562)	-4.820*** (0.617)	-4.394*** (0.560)	-4.639*** (0.611)
Observations	2795	2795	2554	2795	2795	2795	2795

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.17: MID Initiation Models

	(Probit) MID Initiation	(Probit) War Initiation
Emergency Power Strength	0.128*** (0.0394)	0.132*** (0.0470)
Rivalry	0.841*** (0.0773)	0.761*** (0.0867)
Civil War	0.507** (0.253)	0.455* (0.240)
CINC Score	4.611*** (1.327)	5.151*** (1.537)
Past MIDs	0.00388*** (0.000673)	0.00405*** (0.000738)
Polity Score	-0.00556 (0.0271)	0.0123 (0.0342)
Peace Years		-0.0292 (0.0385)
Democracy Years		-0.00125 (0.0212)
Constant	-1.791*** (0.240)	-1.722*** (0.283)
Observations	2795	2569
Peace Year Splines	No	Yes
Democracy Year Splines	No	Yes

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.18: Baseline Models with Region Fixed Effects

	(Probit) MID Onset	(Probit) War Onset
Emergency Power Strength	0.105*** (0.0365)	0.182* (0.0958)
Rivalry	0.779*** (0.0880)	0.182 (0.172)
Civil War	0.284 (0.255)	-0.120 (0.443)
CINC Score	8.173*** (2.689)	2.637* (1.557)
Past MIDs	0.00416*** (0.000864)	0.00321*** (0.00118)
Polity Score	0.00103 (0.0354)	0.157 (0.101)
Peace Years	0.0708** (0.0348)	0.0994 (0.0773)
Democracy Years	0.0406** (0.0183)	0.0544 (0.0670)
Constant	-1.304*** (0.352)	-4.355*** (0.949)
Observations	2399	2006
Peace Year Splines	Yes	Yes
Democracy Year Splines	Yes	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.19: Baseline Models with Clustered Standard Errors

	(Probit) MID Onset	(Probit) War Onset
Emergency Power Strength	0.0975* (0.0516)	0.1000* (0.0570)
Rivalry	0.747*** (0.151)	0.638*** (0.133)
Civil War	0.503** (0.244)	0.472** (0.223)
CINC Score	7.980** (3.587)	10.07*** (2.528)
Past MIDs	0.00425*** (0.00100)	0.00487*** (0.000927)
Polity Score	0.0458 (0.0394)	0.0634 (0.0522)
Peace Years		0.0202 (0.0462)
Democracy Years		0.0422* (0.0228)
Constant	-1.617*** (0.359)	-1.809*** (0.385)
Observations	2795	2569
Peace Year Splines	No	Yes
Democracy Year Splines	No	Yes

Robust, clustered standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.20: Logit with Year Fixed Effects

	(1) MID Onset
MID Onset	
Emergency Power Strength	0.195*** (0.0689)
Rivalry	0.684*** (0.145)
Civil War	0.981** (0.484)
CINC Score	24.55*** (5.189)
Past MIDs	0.0106*** (0.00166)
Polity Score	0.0962 (0.0611)
Constant	-4.271*** (0.859)
Observations	2225
Peace Year Splines	Yes
Democracy Year Splines	Yes

Robust standard errors in parentheses  
\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.21: NATO Robustness Check

	(1) MID Onset
MID Onset	
Emergency Power Strength	0.0983*** (0.0358)
Rivalry	0.632*** (0.0749)
Civil War	0.483* (0.259)
CINC Score	10.11*** (2.827)
Past MID's	0.00439*** (0.000854)
Polity Score	0.0385 (0.0301)
NATO Membership	0.203*** (0.0755)
Constant	-1.581*** (0.260)
Observations	2569
Peace Year Splines	Yes
Democracy Year Splines	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.22: Major Power Robustness Check

	(1) MID Onset
MID Onset	
Emergency Power Strength	0.0996*** (0.0361)
Rivalry	0.636*** (0.0754)
Civil War	0.471* (0.259)
CINC Score	10.11*** (2.766)
Past MID's	0.00501*** (0.00108)
Major Power	-0.0392 (0.184)
Polity Score	0.0632** (0.0285)
Constant	-1.811*** (0.247)
Observations	2569
Peace Year Splines	Yes
Democracy Year Splines	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.23: System Type Robustness Check

	(1) MID Onset
MID Onset	
Emergency Power Strength	0.109*** (0.0362)
Rivalry	0.678*** (0.0821)
Civil War	0.335 (0.253)
CINC Score	9.493*** (2.411)
Past MIDs	0.00423*** (0.000785)
Polity Score	0.0126 (0.0305)
Presidential System	-0.144 (0.106)
Parliamentary System	0.320*** (0.0858)
Constant	-1.539*** (0.270)
Observations	2492
Peace Year Splines	Yes
Democracy Year Splines	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$



Table III.24: Instrumental Variable Analysis: MID Onset

	(1)	(2)
MID Onset		
Emergency Power Strength	0.379** (0.165)	0.389** (0.189)
Civil War	0.491* (0.275)	0.463* (0.269)
CINC Score	10.80*** (2.989)	12.47*** (3.128)
Polity Score	0.0901** (0.0374)	0.125** (0.0510)
Rivalry	0.575*** (0.138)	0.470*** (0.149)
Past MIDs	0.00194 (0.00159)	0.00275 (0.00175)
Constant	-1.903*** (0.276)	-2.206*** (0.357)
Emergency Power Strength		
Log Constitutional Word Count	2.736*** (0.401)	3.172*** (0.404)
Log Constitutional Word Count (Squared)	-0.127*** (0.0204)	-0.151*** (0.0205)
Constant	-13.38*** (1.966)	-14.99*** (1.975)
Observations	2384	2174
Temporal Dependence Polynomials	No	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.25: Instrumental Variable Analysis: War Onset

	(1)	(2)	(3)
Emergency Power Strength	0.187** (0.0809)	0.174* (0.0946)	0.379** (0.165)
Rivalry	0.367** (0.152)	0.231 (0.160)	0.575*** (0.138)
Civil War	0.0592 (0.453)	-0.0344 (0.423)	0.491* (0.275)
CINC Score	2.049 (1.578)	2.625* (1.584)	10.80*** (2.989)
Past MIDs	0.00360*** (0.000952)	0.00376*** (0.00117)	0.00194 (0.00159)
Polity Score	0.201*** (0.0615)	0.230*** (0.0804)	0.0901** (0.0374)
Peace Years		0.00310 (0.0709)	
Democracy Years		0.0402 (0.0553)	
Constant	-4.486*** (0.566)	-4.735*** (0.642)	-1.903*** (0.276)
Emergency Power Strength			-0.0251 (0.146)
Civil War			
CINC Score			-8.798*** (0.861)
Polity Score			-0.164*** (0.0121)
Rivalry			0.520*** (0.0388)
Past MIDs			0.00694*** (0.000344)
Log Constitutional Word Count			2.736*** (0.401)
Log Constitutional Word Count (Squared)			-0.127*** (0.0204)
Constant			-13.38*** (1.966)
Observations	2795	2569	2384
Peace Year Splines	No	Yes	No
Democracy Year Splines	No	Yes	No

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.26: MLE Factor Analysis

	(1) MID Onset	(2) MID Onset	(3) MID Onset	(4) MID Onset
Emergency Power Strength	0.0728** (0.0296)	0.152* (0.0814)	0.0706** (0.0332)	0.163* (0.0888)
Rivalry	0.766*** (0.0673)	0.674*** (0.127)	0.656*** (0.0740)	0.610*** (0.138)
Civil War	0.509* (0.264)	0.0452 (0.259)	0.478* (0.256)	-0.0383 (0.265)
CINC Score	7.538*** (2.503)	-6.353 (4.307)	9.606*** (2.712)	-5.205 (4.656)
Past MIDs	0.00446*** (0.000780)	-0.00802*** (0.00250)	0.00509*** (0.000809)	-0.00532 (0.00350)
Polity Score	0.0355 (0.0223)	-0.00264 (0.0499)	0.0503* (0.0277)	-0.0111 (0.0566)
Peace Years			0.0161 (0.0314)	0.113** (0.0440)
Democracy Years			0.0449** (0.0175)	0.0319 (0.0209)
Constant	-1.523*** (0.203)	4.071*** (1.341)	-1.700*** (0.241)	3.827** (1.600)
Observations	2795	2497	2569	2338
Peace Year Splines	No	No	Yes	Yes
Democracy Year Splines	No	No	Yes	Yes

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Figure III.7: Placebo Test: Word Count and Polity

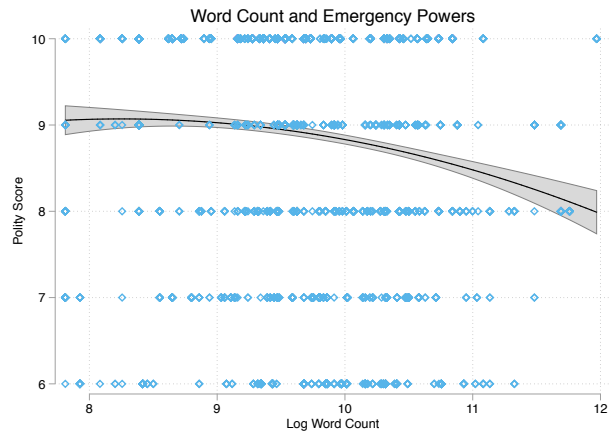


Table III.27: Placebo Test: Word Count and Polity

	(1)
	polity2
Log Word Count	0.488 (0.370)
Log Word Count (Squared)	-0.0377* (0.0193)
Constant	7.699*** (1.763)
Observations	4199

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.28: Instrumental Variable: Word Count

	(1)	(2)
	MID Onset	MID Onset
MID Onset		
Emergency Power Strength	0.379** (0.165)	0.389** (0.189)
Civil War	0.491* (0.275)	0.463* (0.269)
CINC Score	10.80*** (2.989)	12.47*** (3.128)
Polity Score	0.0901** (0.0374)	0.125** (0.0510)
Rivalry	0.575*** (0.138)	0.470*** (0.149)
Past MIDs	0.00194 (0.00159)	0.00275 (0.00175)
Peace Years		0.0402 (0.0361)
Democratic Years		0.0304 (0.0207)
Constant	-1.903*** (0.276)	-2.206*** (0.357)
Emergency Power Strength		
Civil War	-0.0251 (0.146)	-0.0209 (0.133)
CINC Score	-8.798*** (0.861)	-5.819*** (0.766)
Polity Score	-0.164*** (0.0121)	-0.218*** (0.0134)
Rivalry	0.520*** (0.0388)	0.509*** (0.0404)
Past MIDs	0.00694*** (0.000344)	0.00628*** (0.000321)
Log Word Count	2.736*** (0.401)	3.172*** (0.404)
Log Word Count (Squared)	-0.127*** (0.0204)	-0.151*** (0.0205)
Peace Years		-0.0683*** (0.0174)
Democracy Years		0.0399*** (0.00990)
Constant	-13.38*** (1.966)	-14.99*** (1.975)
athrho		
Constant	-0.261* (0.137)	-0.270* (0.150)
Insigma		
Constant	-0.278*** (0.0107)	-0.326*** (0.0121)
Observations	2384	2174
Peace Year Splines	No	Yes
Democracy Year Splines	No	Yes

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.29: Instrumental Variable: Word Count Only

	(1) MID Onset
MID Onset	
Emergency Power Strength	0.296* (0.163)
Civil War	0.493* (0.278)
CINC Score	9.809*** (2.466)
Polity Score	0.0763** (0.0375)
Rivalry	0.659*** (0.131)
Past MIDs	0.00259* (0.00141)
Constant	-1.817*** (0.287)
Emergency Power Strength	
Civil War	-0.123 (0.141)
CINC Score	-9.845*** (0.700)
Polity Score	-0.164*** (0.0123)
Rivalry	0.525*** (0.0394)
Past MIDs	0.00696*** (0.000343)
Log Word Count	0.244*** (0.0201)
Constant	-1.174*** (0.248)
athrho	
Constant	-0.181 (0.133)
Insigma	
Constant	-0.270*** (0.0109)
Observations	2424

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.30: Instrumental Variable: Word Count with Region Fixed Effects

	LPM MID Onset
Emergency Power Strength	0.112** (0.0569)
Civil War	0.119 (0.0800)
CINC Score	2.686*** (0.539)
Polity Score	0.0132 (0.0121)
Rivalry	0.218*** (0.0334)
Past MIDs	0.000800* (0.000478)
Constant	-0.180* (0.106)
Observations	2004

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.31: Instrumental Variable: Word Count with Year Fixed Effects

	LPM Mid Onset
Emergency Power Strength	0.0906** (0.0445)
Civil War	0.195** (0.0816)
CINC Score	2.901*** (0.452)
Polity Score	0.0217** (0.0102)
Rivalry	0.111*** (0.0400)
Past MIDs	0.00139*** (0.000319)
Constant	-0.301*** (0.0893)
Observations	2174
Robust standard errors in parentheses	
* $p < 0.10$ , ** $p < 0.05$ , *** $p < .01$	



Table III.32: Instrumental Variable Analysis (No Verbosity Fix): MID Onset

	Full Sample	1 Year On	5 Years On	10 Years On	15 Years On
Emergency Powers	0.379** (0.165)	0.382** (0.171)	0.384** (0.178)	0.420** (0.200)	0.470** (0.198)
Civil War	0.491* (0.275)	0.592* (0.357)	0.572 (0.364)	0.628 (0.400)	0.627 (0.416)
CINC Score	10.80*** (2.989)	10.18*** (2.895)	9.832*** (2.858)	9.704*** (2.900)	9.776*** (2.802)
Polity Score	0.0901** (0.0374)	0.0935** (0.0391)	0.0929** (0.0437)	0.118** (0.0524)	0.139** (0.0557)
Rivalry	0.575*** (0.138)	0.578*** (0.146)	0.524*** (0.153)	0.474*** (0.179)	0.444** (0.189)
Past MIDs	0.00194 (0.00159)	0.00221 (0.00163)	0.00231 (0.00166)	0.00262 (0.00186)	0.00211 (0.00188)
Constant	-1.903*** (0.276)	-1.938*** (0.289)	-1.909*** (0.331)	-2.195*** (0.399)	-2.345*** (0.437)

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Table III.33: Instrumental Variable Analysis (No Verbosity Fix): War Onset

	Full Sample	1 Year On	5 Years On	10 Years On	15 Years On
Emergency Powers	0.761** (0.319)	0.769** (0.332)	0.976*** (0.210)	0.959*** (0.227)	0.926*** (0.276)
Civil War	0.0794 (0.433)	0.0206 (0.462)	-0.0175 (0.431)	0.0813 (0.477)	0.192 (0.521)
CINC Score	8.754** (4.096)	8.775** (4.239)	11.07*** (2.840)	10.66*** (3.016)	9.670*** (3.483)
Polity Score	0.291*** (0.0604)	0.275*** (0.0596)	0.291*** (0.0528)	0.278*** (0.0559)	0.242*** (0.0716)
Rivalry	-0.0210 (0.274)	-0.0734 (0.286)	-0.321 (0.196)	-0.345 (0.211)	-0.258 (0.247)
Past MIDs	-0.000984 (0.00334)	-0.000831 (0.00348)	-0.00260 (0.00260)	-0.00226 (0.00272)	-0.000975 (0.00312)
Constant	-4.828*** (0.642)	-4.639*** (0.595)	-4.383*** (0.653)	-4.261*** (0.604)	-4.199*** (0.650)

Robust standard errors in parentheses

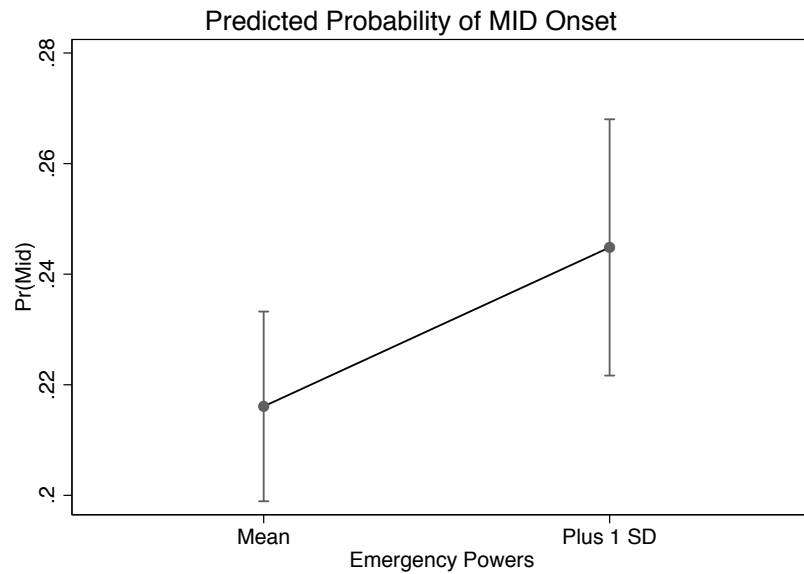
\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

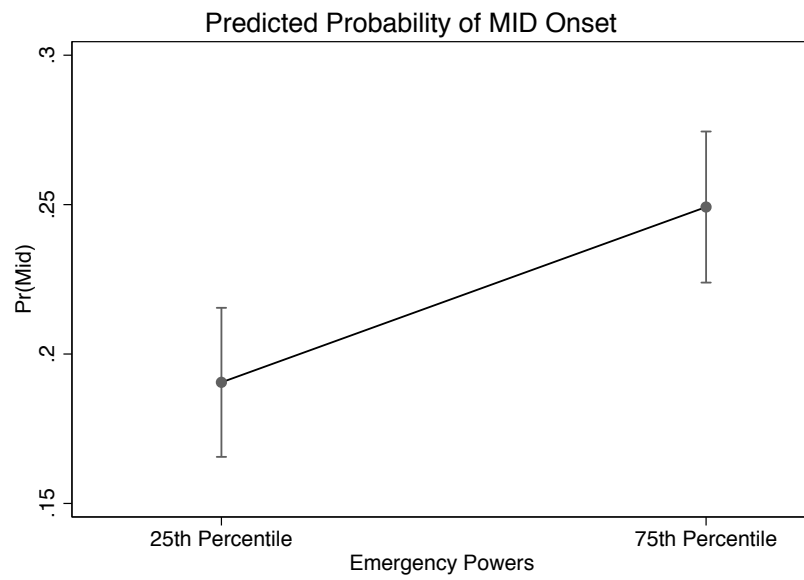
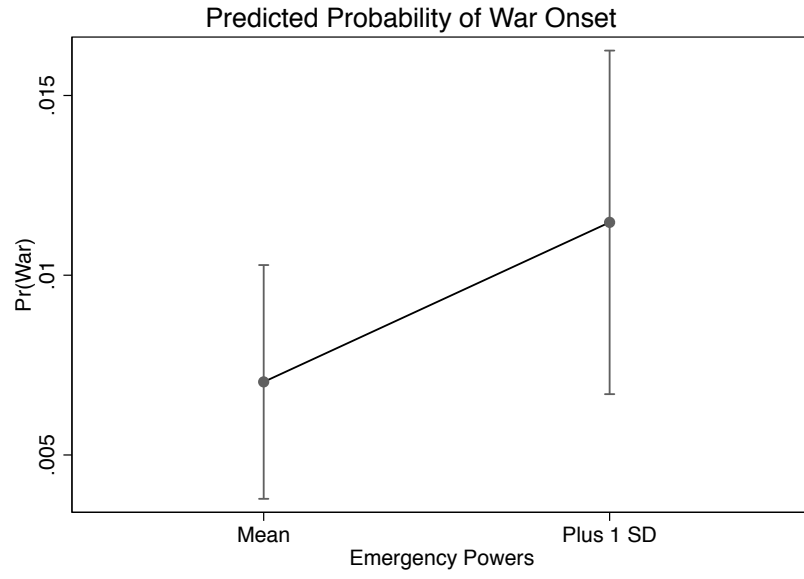
Table III.34: Instrumental Variable: Irregular Leader Turnover

	Full Sample	1 Year On	5 Years On	10 Years On	15 Years On
MID Onset					
Emergency Powers	0.278** (0.125)	0.258* (0.136)	0.394** (0.160)	0.639*** (0.163)	0.646*** (0.208)
Civil War	0.813** (0.326)	0.948** (0.390)	0.993** (0.474)	1.284** (0.632)	6.424*** (0.286)
CINC Score	31.89*** (4.706)	33.99*** (5.003)	24.66*** (5.903)	20.54*** (7.617)	13.56 (9.150)
Polity	0.0385 (0.0324)	0.0301 (0.0350)	0.0772* (0.0421)	0.0688 (0.0487)	-0.00786 (0.0588)
Time	-0.142 (0.156)	0.244 (0.296)	-3.024*** (0.984)	0.322 (1.818)	0.644 (4.410)
Constant	-1.176 (0.292)	-1.462 (0.360)	1.214 (0.886)	-1.885 (1.693)	-1.448 (4.256)
Observations	1798	1707	1388	1141	861

Robust standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1





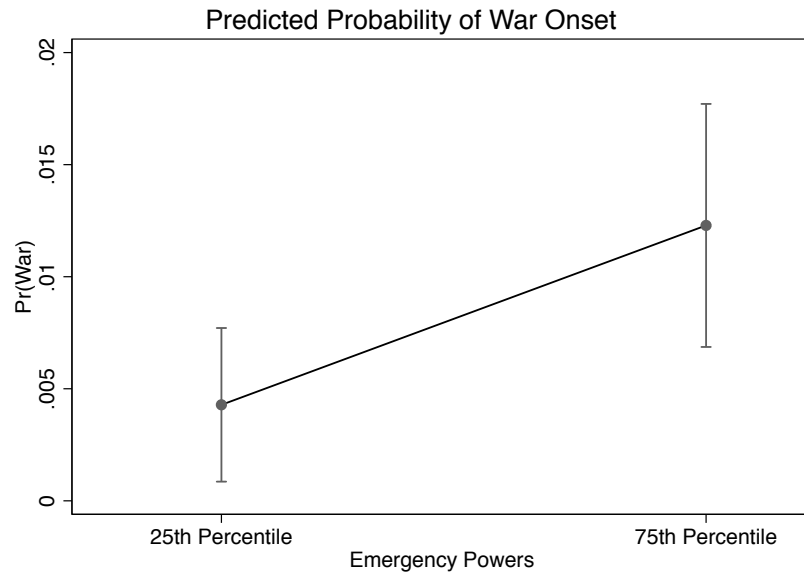


Table III.35: Instrumental Variable Analysis over Time- Cubic Splines

	(1) MID Onset	(2) 1 Year On	(3) 5 Years On	(4) 10 Years On	(5) 15 Years On
Emergency Power Strength	0.414** (0.162)	0.407** (0.168)	0.393** (0.177)	0.401* (0.208)	0.489** (0.222)
Civil War	0.495* (0.269)	0.604* (0.351)	0.591* (0.355)	0.642 (0.399)	0.712* (0.422)
CINC Score	11.14*** (3.098)	10.36*** (2.995)	10.23*** (3.076)	10.05*** (3.280)	10.62*** (3.352)
Polity Score	0.0966** (0.0385)	0.100** (0.0404)	0.0899** (0.0455)	0.0911* (0.0552)	0.0862 (0.0596)
Rivalry	0.435*** (0.132)	0.430*** (0.138)	0.382*** (0.146)	0.390** (0.170)	0.408** (0.195)
Past MIDs	0.00217 (0.00158)	0.00258 (0.00161)	0.00251 (0.00166)	0.00304 (0.00191)	0.00245 (0.00205)
Peace Years	0.0285 (0.0214)	0.0304 (0.0221)	0.0347 (0.0236)	0.0391 (0.0279)	0.0723** (0.0335)
Spline 1	-0.733** (0.298)	-0.808*** (0.306)	-0.925*** (0.325)	-0.892** (0.373)	-1.156*** (0.441)
Spline 2	1.520*** (0.567)	1.686*** (0.581)	1.936*** (0.619)	1.845*** (0.703)	2.283*** (0.827)
Spline 3	-1.176*** (0.382)	-1.326*** (0.392)	-1.534*** (0.417)	-1.434*** (0.465)	-1.631*** (0.539)
Constant	-1.848*** (0.317)	-1.871*** (0.334)	-1.744*** (0.384)	-1.906*** (0.478)	-2.050*** (0.517)
Emergency Power Strength					
Civil War	-0.0588 (0.150)	0.0611 (0.173)	0.0550 (0.182)	0.127 (0.227)	0.0310 (0.219)
CINC Score	-7.804*** (0.830)	-7.611*** (0.836)	-7.374*** (0.844)	-6.997*** (0.827)	-6.518*** (0.841)
Polity Score	-0.176*** (0.0126)	-0.182*** (0.0132)	-0.192*** (0.0152)	-0.197*** (0.0179)	-0.190*** (0.0217)
Rivalry	0.507*** (0.0425)	0.521*** (0.0446)	0.538*** (0.0480)	0.544*** (0.0527)	0.554*** (0.0588)
Past MIDs	0.00632*** (0.000370)	0.00616*** (0.000387)	0.00606*** (0.000406)	0.00580*** (0.000419)	0.00564*** (0.000445)
Peace Years	-0.0526*** (0.0108)	-0.0531*** (0.0113)	-0.0549*** (0.0120)	-0.0706*** (0.0131)	-0.0937*** (0.0147)
Spline 1	0.660*** (0.148)	0.656*** (0.153)	0.664*** (0.162)	0.797*** (0.177)	1.101*** (0.198)
Spline 2	-1.220*** (0.279)	-1.208*** (0.288)	-1.227*** (0.304)	-1.457*** (0.332)	-2.031*** (0.370)
Spline 3	0.779*** (0.184)	0.765*** (0.189)	0.791*** (0.199)	0.920*** (0.216)	1.298*** (0.237)
Log Word Count	3.274*** (0.445)	3.371*** (0.489)	3.508*** (0.560)	4.015*** (0.652)	4.383*** (0.785)
Log Word Count (Squared)	-0.154*** (0.0225)	-0.159*** (0.0248)	-0.166*** (0.0283)	-0.193*** (0.0330)	-0.211*** (0.0396)
Constant	-15.76*** (2.184)	-16.16*** (2.397)	-16.73*** (2.748)	-18.95*** (3.202)	-20.75*** (3.871)
Observations	2174	2030	1756	1509	1238

Standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table III.36: Major Response (ICB) Variable

	(1)	(2)
	Major Response	Major Response
Emergency Power Strength	0.324** (0.126)	0.717** (0.290)
Past MIDs	0.00219 (0.00236)	0.00515 (0.00474)
Polity Score	0.211* (0.121)	0.116 (0.272)
Rivalry	0.177 (0.374)	1.044 (0.655)
CINC Score	-8.483*** (2.368)	-9.165* (5.370)
US Involvement Level	0.251*** (0.0592)	0.198*** (0.0569)
Soviet Involvement Level	0.0332 (0.0512)	0.0594 (0.0584)
Constant	2.823** (1.120)	3.284 (3.960)
Observations	286	286
Country Fixed Effects	No	Yes

Clustered robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < 0.01$

## CHAPTER IV

### Executive Constraints, Emergency Powers, and Terrorist Attacks in Democratic States

#### IV.1 Introduction

Scholars contend that the relationship between democracy and terrorism depends on the level of institutionalized democracy within the state. Primarily, these authors argue that the level of institutional constraint facing the executive is the determining factor for whether democracy inhibits or promotes terrorist violence. While some argue that democratic constraints provide a permissive environment for terrorists to achieve their goals [Crenshaw, 1981; Li, 2005], others counter that executives free from institutional constraints will be prone to take overly repressive actions that are counterproductive in preventing future terrorist violence [Abrahms, 2007; Findley and Young, 2011; Daxecker, 2015]. While these scholars provide substantial evidence of the negative effects of repression in combatting terror, they provide little explanation as to why the unconstrained democratic leader will prefer to take this overly repressive action in fighting terror.

I extend recent work on executive constraints and terror in formal theory [Dragu and Polborn, 2014] to argue that while institutional executive constraints are indeed fundamental to the relationship between democracy and terror, whether an executive free from institutional constraints takes actions that prevent or incur further terror depends on how public opinion creates electoral incentives for the leader. Drawing on experimental work regarding the public response to terrorism [Kam and Kinder, 2007; D’Orazio and Salehyan, ], I argue that the public’s desired response to terrorist acts depends on whether the terror attack comes from a member of the in-group or the out-group. While citizens seek increased security that pushes unconstrained leaders to take overly harsh and counterproductive actions against out-group violence, this push does not exist for terrorists who are drawn from the in-group. This dynamic changes an institutionally unconstrained leader’s incentives depending on the nature of the terrorist or group, prompting the leader to take overly repressive counter-terror measures that lead to further violence only when the state faces terror from an out-group, while allowing the leader to deploy a more measured response to prevent future terror attacks from the in-group.

I test this argument empirically, using the nation of origin of the attacker to proxy for their social identity. Further, while in previous studies scholars were constrained to look at institutional limitations on executive power that either change very infrequently or are completely static, I exploit my data set on emergency power strength and data on declared states of emergency [Hafner-Burton et al., 2011] to capture additional within-country variation in executive constraints in democracies. I find that when states with strong emergency



powers experience a state of emergency, the reduction in executive constraints has the predicted effects for transnational and domestic terrorism. The institutionally unconstrained executive successfully reduces the likelihood of a future domestic terror attack in a small but pronounced manner. However, their actions lead to a substantially higher probability of a future transnational terror event.

## **IV.2 Democracy, Institutional Constraints, and Terror**

A vast literature discusses the role of institutional constraints on the executive in influencing the level of terrorist violence within the democratic state. Some scholars suggest that because institutional checks on the executive weaken the ability of the government to fight terrorist groups, they therefore increase the likelihood of terrorist violence. Democracies are based in fundamental civil liberties. Institutional checks intended to ensure the sanctity of these civil liberties, arising from the opposition, interest groups, and the other branches of government, lead to persistent oversight over the democratically elected executive [Li, 2005]. When leaders are accountable to a broader range of interests, it can be difficult to enact strict policies that might be necessary to secure the safety of the state when every action can be scrutinized by the public and stricter security policies that are difficult to apply selectively may infringe on the rights of all individuals in the state. In a democratic system, where these individuals have a voice in the composition of government and alternative representatives to choose from, strict policies are costly for government officials who wish to remain in office. Protecting the rights of the citizens inhibits the actions that the security forces of the state can take in response to potential terrorist action, and therefore terrorists can organize relatively free from government oversight [Crenshaw, 1981]. More constrained governments may take a softer stance against terrorist action to avoid collateral harm to their potential voting base, thereby allowing terrorist groups to build strength within the nation.

Additionally, strong institutions within democracies may foster an environment where terrorism is the only option. When there are a number of players within the government who can constrain executive action and influence policy, it can result in chronic deadlock within the government. This deadlock reduces the probability that groups can successfully alter policy through institutional means, as any number of veto players can terminate progress. When this institutional deadlock recurs repeatedly over time, frustration with the institutional order can cause a lack of confidence in the government. In response, marginalized groups may use terror to force government decisiveness [Young and Dugan, 2011]. A strong, unencumbered figure at the center of the government may thus be able to both reduce the likelihood of terrorist violence and respond to terrorism when it occurs.

Opposing these points, scholars have predominantly argued that executive constraints are a positive force in reducing terrorism. Since democratic states constrain their executives to respect civil liberties, this limits

the likelihood of a response that is overly repressive [Abrahms, 2007]. Overly repressive responses have a threefold influence in perpetuating terrorism. First, extreme responses to terror attacks are likely to increase grievances outside the immediate terror network. States conducting counter terror operations face a difficult identification problem [Kalyvas, 2006]. Within the aggrieved group, it is often difficult or impossible to separate combatant from non-combatant. This lack of information leads governments in search of security to cast a wide net in the search for terrorists [De Figueiredo and Weingast, 2000]. Negative interactions with the government's security forces may inspire those individuals who would have not considered joining a terrorist group – or their friends and families – to take up arms after experiencing the government's wrath [Daxecker, 2015]. Increases in the terrorist constituency leads to more durable terrorist groups [Daxecker and Hess, 2013] and may promote large scale attacks if the recruitment is sufficiently strong [Rosendorff and Sandler, 2004].

Second, overly repressive actions worsen this identification problem by making it difficult for the government to collect information on terror groups. When states attempt to root out terrorist groups, they depend on the local population from which the group is drawn to provide information on their movements, capabilities, recruitment, and plans. Only when the individuals within this population prefer the government to the terror group will they choose to offer this information. Extreme or indiscriminate reprisals ensure that counter terror forces will not gather this information [Kalyvas, 2006]. When the government has a range of possible tactics and they choose indiscriminate violence, this reveals to the marginalized group that the government does not care about their welfare and is willing to trade it for the security of other groups in the population [Bueno de Mesquita and Dickson, 2007]. Violations of physical integrity rights are especially damaging, because these rights are widely shared and belief in human dignity is almost universal [Walsh and Piazza, 2010]. This type of violence reduces the benefits for cooperation and increases the likelihood that citizens will withhold information from the government because of resentment and fear.

Lastly, indiscriminately violent responses make it difficult for the state to negotiate peacefully with more moderate segments of the aggrieved group. Legitimacy is only built when the government respects the rule of law. When the government engages in arbitrarily violent tactics, it reveals information about the group in power that can even radicalize moderates [Lake, 2002]. After such tactics, any government claim to negotiate free from violence will not appear credible. Only when there are external constraints on the executive can they credibly commit not to abuse the aggrieved group [Findley and Young, 2011]. Groups will not leave themselves on the mercy of a strong central executive when she has previously shown a lack of restraint, and moderates may feel that they are safer under protection from the terror group than the government.

This literature further suggests that a leader in a democracy would take repressive action were it not for the institutional checks that exist to restrain their behavior [Abrahms, 2007]. This suggests that in times of

crisis, when constraints on the executive are often reduced or removed, as described in chapter 1, leaders will take overly repressive action that is counterproductive to battling terror. However, these studies do not examine why a democratic executive would take action that would be overtly counterproductive in battling terrorist violence [Sánchez-Cuenca and De la Calle, 2009]. In the following section, I describe recent work that suggests that an unconstrained executive might prefer to take overly repressive action because of how public opinion shapes electoral incentives.

### **IV.3 The Public and Counterterrorism**

In the absence of constraining institutions, we may see a leader in a democracy choose to take overly harsh actions in rooting out terrorist violence due to the influence of public opinion and the electoral incentives facing the leader. Dragu and Polborn (2014) demonstrate this using a formal model of executive discretion, public preferences, and terrorist violence. Consider a situation like in that of a democracy, where there exists a leader, the public as represented by the median voter, and a community of individuals whose actions can affect the success of terrorism – those who make up the same population as the aggrieved. The community chooses to either provide active or passive support for the terrorists or provide information to the authorities about potential terrorist plans, and the government chooses a level of action to prevent a terror attack that may or may not repress the civil liberties of the community.

The choice the government makes corresponds to their motivation to be re-elected by the voting public, with government response depending on the extent to which the public desires increased security from terror. When the public is especially concerned about terrorist violence and demands greater security, the executive has a strong electoral incentive to prevent a terror attack. As a result, the government will take all measures within their control – that is, they will increase their repressive actions – to prevent further terrorist violence [Dragu and Polborn, 2014, 517]. When the public favors a substantial response, the re-election incentive pushes the leader to respond in a way that is both highly visible and overtly violent, to demonstrate to the public that they will protect the nation by any means necessary, since this is the only facet of terrorism prevention that is directly within their control.

Executive constraints are positive from the perspective of combatting terror. Institutional limits on the ability of the executive to repress the aggrieved community constrains the expectations of the public to the actions the executive may legally take. This prevents an electoral incentive in which the executive is compelled to be too aggressive for their own good. Additionally, this legal constraint provides a credible commitment of restraint to the community that might otherwise expect repression, increasing their willingness to cooperate with the government to combat the organization of terror groups. Dragu and Polborn demonstrate that it is only when the executive faces constraints on their freedom of action that they can overcome the electoral

incentive and exercise an appropriate level of restraint in preventing terrorist violence.

However, while Dragu and Polborn succinctly root out the motivation for a leader to take overly harsh action in combatting terrorist violence and demonstrate how executive constraints can forestall this motivation, there is greater nuance to the relationship between public opinion and the desire for greater security against terrorist violence. While it is evident that an executive who faces increased electoral incentives to provide security will often provide too intensive security measures, it is not clear that the public's response to terrorism is uniformly a desire for enhanced government action, particularly if this would encroach on their own civil liberties. Rather, whether the public insists on greater security from the threat depends the nature of the attack, and especially on the identity of the attacker.

#### **IV.4 Public Opinion and the Composition of Terror Groups**

The public's response to terrorism depends on the respective social identities, such as national, ethnic, and religious background, of the citizen and the perpetrator. Namely, the way the public views an act of terrorism depends on whether the perpetrator is a member of the in-group or comes from an out-group. A substantial literature has discussed the importance of social identity for group decision-making and political phenomena [Brewer and Brown, 1998; Huddy, 2001]. These studies discuss how social identity leads to preferential treatment to those who are perceived to be in the same in-group and discrimination of those who are part of the out-group [Tajfel, 1982]. Additionally, the level of threat the individual feels and their expectation of a continued future threat depends on whether the threat arises from the in-group or the out-group [Hewstone et al., 2002]. It is therefore important that the very definition of terror in the public's perception depends on the distinction between the in-group and the out-group [D'Orazio and Salehyan, ].

Individuals consistently view negative actions taken by a member of the out-group as systematic and perceive little variation within the characteristics of the group, instead considering the action to arise from a fundamental characteristic of the larger group [Linville et al., 1989]. Thus terror attacks by individuals of a different background provoke a response of out-group hatred and a desire to turn inward and rally-around one's own social group in response [Brewer, 1999]. When this othering promotes feelings of anger [Huddy and Feldman, 2011], reinforces negative stereotypes [Sides and Gross, 2013], and leads to an expectation of further threats [Huddy et al., 2005], as is likely to be the case in a large-scale terror event, support for strong national security policies increases. Such social processes in individuals has a proven impact on support for combatting terror, with individuals who exhibit a greater degree of ethnocentrism more likely to support military action to hunt terrorists down [Kam and Kinder, 2007] and individuals more likely to support increased counter-terror measures when the attacker comes from an out-group background that they associate with violence [D'Orazio and Salehyan, ].

While terror events that arise from the in-group may also provoke outrage and despair amongst the citizenry, they do not provoke this same sort of group-driven othering. Since the terrorists and the average citizen are by definition drawn from the same pool of individuals, the average citizen is likely to share a host of identity-based characteristics with the attacker. To reconcile that a member of their in-group has committed such an unfathomable act, citizens attribute the terror attack to characteristics that are unique to the individual rather than to the group, perceiving great variability in characteristics within their in-group when they did not do the same for the out-group [Linville et al., 1989]. Typically, citizens believe these individuals to be driven to violence by a psychological disorder rather than political motives or grievances [D’Orazio and Salehyan, ]. The average citizen does not favor harsh reprisals against in-group suspects as a result, believing them to be more isolated phenomena rather than indicative of a clash of group ideals.

The role of elite discourse further cements these cognitive processes. As recent events show, domestic terror events are more likely to be politicized. The attack on June 12, 2016, at the Pulse nightclub in Orlando underscores this difference. Rather than viewed concretely as a terror attack, the shooting was co-opted into a debate between Democrats and Republicans over gun control [Walsh and LoBianco, 2016]. Since the resulting public opinion is conditioned by elite behavior to be split along party lines, it minimizes the political gains that can be achieved by the government taking particularly strong actions against domestic terror groups. Such events are markedly more likely to become co-opted by a larger political narrative that leads to a more divisive public reaction. There is often reluctance to even call violence committed by the in-group terror [D’Orazio and Salehyan, ]. This was evident in the aftermath of the mass shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, on June 17, 2015, where many politicians and media members alike were reluctant to consider the shooting an act of terror [Groll, 2015]. This further limits the level of government response that the citizenry considers necessary, since when the public does not view these violent actions as terrorist acts, it limits their desire to extend the response to include preventing further violence, instead focusing solely on the capture and incarceration of the individual.

This social dynamic leads to divergent preferences on how to battle terrorists. There is evidence that individuals favor more aggressive tactics when the terrorist comes from a different nationality, religion, or ethnic group [Johns and Davies, 2012; Piazza, 2015]. This extends to the lengths the government can go in the collection of information regarding this terrorist group, particularly regarding tactics used against individuals that come from the same out-group as the terrorist. The average citizen does not care to oppose harsh tactics against a population of people that is different from their own group, particularly when those actions take place away from their own communities. As a result, we should expect that citizens favor an aggressive response against out-group terror suspects. The same will not be true of in-group terror groups, which will

be more likely seen as isolated acts of violence, and limit the desire for follow-up action.<sup>1</sup>

The government in a democracy depends on the support of the citizens to continue their rule. As a result, when considering a response to terror, the government's attempts to combat terror groups will reflect the will of the people. When the public is united in its desire for a strong response to out-group terror, this leads the government to escalate its response even above levels that will be beneficial in combating future terrorist action, inspiring terror through its indiscriminate response. The public's trepidation and division regarding acts of in-group terror tempers the leader's benefits for large-scale attacks, leading to a more measured response that strikes a balance between enhancing security and avoiding alienation of the target community. This leads to my central hypotheses.

*Hypothesis 1: A reduction in executive constraints will lead to overreaction to out-group terror, increasing the likelihood of future terror events.*

*Hypothesis 2: A reduction in executive constraints will allow a measured reaction to in-group terror, decreasing the likelihood of future domestic terror events.*

In the following section I describe how I will test the relationship between executive constraint and terror in a way that captures changes in executive constraint over time within each democratic state to ensure identification regarding the relationship in question and differentiates between in-group and out-group terror.

#### **IV.5 Research Design**

In this section I describe how I test the relationship between executive control and terrorist activity. My dependent variable is the count of terrorist attacks in each country-year. Annual counts of terrorist attacks come from the Global Terrorism Database [LaFree and Dugan, 2007]. The data include 70,000 domestic and international incidents since 1970. Three criteria must be met before an event can be classified as a terrorist attack – the incident must be intentional, entail some level of violence (including violence against property) or the threat of violence, and must be perpetrated by subnational actors. Further, the act must meet two of the following three further criteria: it must be aimed at attaining a political, economic, religious, or social goal, there must be evidence of an intention to convey some message to a larger audience than the immediate victims, and/or the action must be outside the parameters permitted by international humanitarian law regarding warfare (LaFree & Dugan 2007, 188).

To proxy for the social identity of the attacker, I distinguish between transnational and domestic terror-

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<sup>1</sup>The capacity of government amplifies how these divergent preferences translate to outcomes. In-group terror suspects are often domestic, and therefore easier to locate and track. Out-group terror suspects tend to be transnational, and are therefore more difficult to combat. The government will often be unable to truly prevent the organization of future violent acts and thus they may have little to show for their efforts. As a result, they make a great show of their strength in hunting down potential terrorists and sympathizers regardless of whether these highly visible actions lead to success. Further, security measures against the out-group are less likely to take place in their own communities or involve sacrifices by the average citizen, increasing the willingness of the citizens to support harsh counter measures.

ism.<sup>2</sup> Although a substantial portion of the previous work on terrorism has examined only transnational terror, as more recent work has noted, domestic terror still accounts for the majority of terrorist attacks [Sánchez-Cuenca and De la Calle, 2009; Young and Findley, 2011]. While some scholars have argued that there is no clear reason to suspect that the location of the attack or the nationality of the victim should be considered determinants in a causal process [Sánchez-Cuenca and De la Calle, 2009], others have argued that the causal mechanisms for domestic and transnational terror may be different [Enders et al., 2011; Findley and Young, 2011; Hendrix and Young, 2014]. I suggest there is reason to believe that transnational and domestic terror may inspire different state responses, and lead to different probabilities of future attacks, because the identity of the perpetrator provokes disparate responses in the public. When the terror is transnational, the perpetrator is likely to be a member of a religious, ethnic, and/or national out-group in relation to the target population. Since I argue that there will be different effects for domestic terrorism and international terrorism, I create two variants of the dependent variable. The first variant includes attacks by individuals and groups against their home states, domestic terror attacks, while the second includes international terror attacks, attacks by groups against states that are different than their country of origin or on victims from another country of origin [Enders et al., 2011].

I then consider variation in executive constraints. When scholars investigate the impact of executive constraints on the likelihood of terror, one daunting challenge is that the institutional design of the state is often static or changes infrequently. This means that scholars can leverage only cross-national variation in executive constraints. Through examining the invocation of emergency powers, I am able to overcome this common methodological challenge. Emergency provisions are institutional features of democratic states that expand the purview of state actors during times of international or domestic crises. Emergency powers tilt the balance of political power towards the executive when there is serious turmoil within the state. Even narrow emergency provisions grant democratic leaders a number of repressive tools to silence citizens and transgress their democratically-granted rights. Emergency powers often extend the executive's control further, consolidating the entirety of the government's power in the hands of the executive for the duration of the crisis. As a result, when a government declares a state of emergency, executive constraints can vary quite dramatically from their peace time counterparts.

Examining this institutional feature of democracies allows me to make comparisons regarding executive constraints both within and across countries. Since emergency provisions only come into effect during a declared state of emergency, and since countries can alter their emergency provisions over time, I am able to leverage within country variation of the centralization of executive control. Further, since these powers

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<sup>2</sup>Empirically, domestic terror frequently has some international component or connection. For the purposes of this chapter, I separate terror targeted against the individual's home country and citizens and that targeted against the territory and citizens of another state.

differ dramatically across states, I can examine how two otherwise similar states have different terror rates in regards to the potential strength of the executive.

To operationalize my key independent variable, the exercise of executive power free from constraints,<sup>3</sup> I therefore interact two variables. The first is the declaration of a state of emergency. Data on declared states of emergency come from a review of the Human Rights Country Reports published by the U.S. Department of State for each year from 1976 to 2007 [Hafner-Burton et al., 2011]. These emergencies relate to “national security, terrorism, political unrest, natural disasters, civil wars, and armed conflicts emanating from outside a state’s borders” (Hafner-Burton, Helfer & Fariss 2011, 688). To ensure that the states of emergency precede the terrorist attacks and are not instead caused by the terrorist attacks, I lag the declaration of a state of emergency by one year. The second component of the exercise of executive power is the strength of the powers granted to the executive during a time of emergency, as developed in chapter 1.

I include a number of controls in each model to avoid a spurious finding. Each of these controls could be a driver of terrorist activity as well as influencing the strength of the state’s emergency powers or the likelihood an emergency will occur. I begin by controlling for several international factors. Since the presence of rival states could drive the adoption of increased emergency powers and rivals may be more likely to commit terrorist acts against one another [Findley et al., 2012], I control for the presence of an interstate rivalry [Thompson and Dreyer, 2011]. I also control for the presence of an ongoing interstate war [Sarkees and Wayman, 2010] since when states engage in international conflict, groups may commit terrorist acts against their own state or the opposing state, and states experiencing international turmoil are also likely to be vulnerable to domestic strife and declare a state of emergency.

States with a larger population may be more prone to terrorist grievances and terrorist attacks due to demographic strain [Drakos and Gofas, 2006], as well as the onset of emergency situations. To account for this, I control for the log of the state’s population for each year [Singer et al., 1972]. To control for how the level of development and economic health of the state may lead to terrorist activity as well as the necessity of a state of emergency, I control for trade as a percentage of the state’s gross domestic product and the log of the state’s GDP [Gleditsch, 2002]. Further, to control for the level of economic grievance within the state, since minority group economic discrimination has a relationship with increased terror [Piazza, 2011] and inequality could lead to domestic turmoil that causes a state of emergency, I control the level of inequality as determined by the state’s Gini coefficient in a given year [World Bank, 2007].

Lastly, I control for domestic institutions that may jointly influence the probability of a terrorist attack and

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<sup>3</sup>Ideally, I would examine how executives respond to terror events, and how that leads to future terror. With these data I am only able to examine how variation in executive constraints influences the probability of future terror, because the inciting event for the state of emergency is uncertain. In this sense, my variable captures the potential for response, which serves as a proxy for the actual response of the executive. In the appendix, I present results for states of emergency that coincide with a terror attack within the country. The results are stronger than those I present here.



the probability a state will declare a state of emergency. I control for each state's Polity score [Marshall and Jaggers, 2001], since stronger democratic institutions may guard against the drivers of a state of emergency, and scholars suggest that democratic institutions may affect the likelihood of terrorist violence in either direction.<sup>4</sup> Since scholars have shown that the number of veto players in the system influences terrorist activity, and may also influence emergency power strength or invocation, I control for the number of veto players in a given state, adjusting for electoral rules [Young and Dugan, 2011]. Since scholars have also shown a relationship between terrorist activity and the competitiveness of the political system [Chenoweth, 2010], which may also influence the likelihood of a declaration of a state of emergency, I control for the percentage of seats held by the largest party in government [Li, 2005].

The data include all democracies from 1970 to 2007. The unit of analysis is the democracy-year. Since the dependent variable is a count of the number of terror attacks for each state in each year, I model the data using a negative binomial regression. There is some concern that these data may be subject to reporting bias [Drakos and Gofas, 2006]. This bias is likely minimized while examining only democracies, since these states should have little incentive to under-report the number of terrorist attacks they experience. However, to ensure the robustness of my results, as a robustness check I use a zero-inflated negative binomial regression, in which a measure of freedom of the press is used to predict excess zeroes, following the suggestion in the literature.<sup>5</sup> To account for temporal trends and duration dependence I include polynomial temporal controls for the time since the state last experienced a military conflict and polynomial temporal controls since the state was last nondemocratic. I calculate all models including robust standard errors.

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<sup>4</sup>In chapter 1, I demonstrate that Polity scores have little association with emergency power strength, indicating that multicollinearity is not a concern.

<sup>5</sup>I present this model in the appendix. The results are roughly consistent. However, the model for domestic terror events is imprecisely estimated.

## IV.6 Results

Table IV.1: States of Emergency and Terrorist Attacks

	(1) Foreign Attacks	(2) Domestic Attacks
Declared SOE (Lagged)	0.299 (0.288)	0.610** (0.309)
Emergency Power Strength	0.403*** (0.0997)	0.426*** (0.114)
Declared SOE (Lagged) $\times$ Emergency Power Strength	0.692*** (0.255)	-0.544** (0.242)
Rivalry	1.689*** (0.226)	1.570*** (0.244)
Ongoing War	-0.876** (0.408)	1.508*** (0.408)
Population (Logged)	0.638*** (0.0760)	0.979*** (0.119)
Real GDP (Logged)	0.791*** (0.175)	1.459*** (0.205)
Inequality	0.00786 (0.0137)	0.0637*** (0.0147)
Trade (%GDP)	0.0219*** (0.00390)	0.0149** (0.00652)
Veto Players	0.128** (0.0503)	0.0287 (0.0496)
Polity Score	-0.0511 (0.144)	-0.00801 (0.108)
% Seats Held by Largest Party	0.0640*** (0.0108)	0.0131 (0.0119)
Constant	-24.00*** (2.866)	-30.23*** (3.588)
Observations	755	755
Duration Splines	Yes	Yes

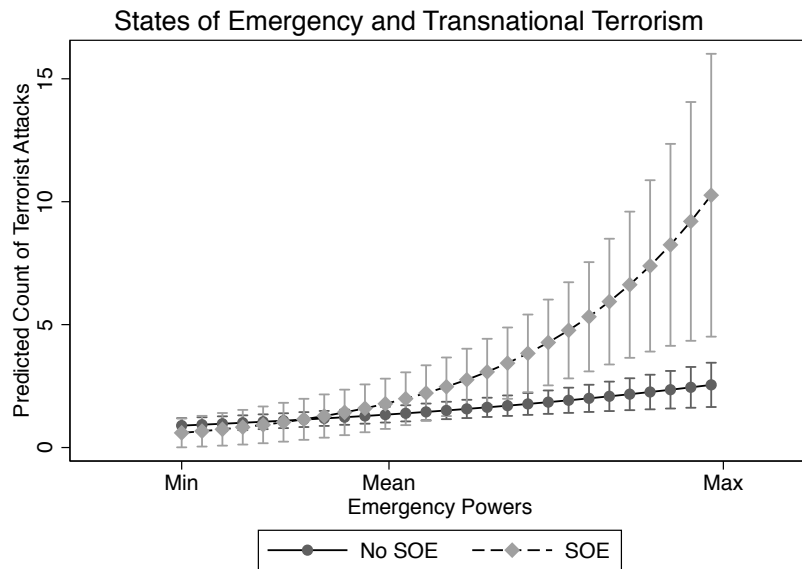
Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

I present the results in Table IV.1. I first discuss the results for foreign terror attacks. Consistent with expectations regarding government response to out-group terror, when states that grant strong emergency

discretion to the executive invoke a state of emergency, they experience a higher number of terror attacks from foreign groups in the following year. This result is statistically significant at the .01 level. I present a graphical depiction in Figure IV.1. For states up to and including the mean level of emergency power strength, there is no difference in the predicted count of terrorist attacks after having declared a state of emergency or in a world without such a declaration. Above the mean level of emergency power strength, there is a substantial difference. At the maximum level of emergency power strength, the predicted count of terror attacks is 11 for states that declared a state of emergency in the previous year and just two terror attacks for those that have not. This suggests that when executives receive unchecked discretion over counter-terror policies, they respond primarily to electoral incentives. Since the public pushes for a substantial response against foreign terror groups, the leader has incentives to take such extreme repressive measures that they actually increase the probability of further terror attacks.

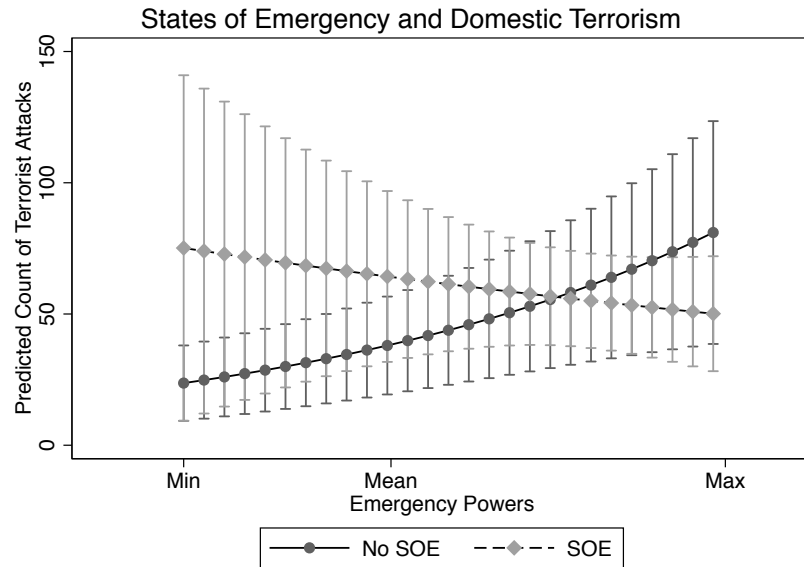
Figure IV.1: Predicted Foreign Attacks



Turning to the findings for domestic terror attacks, the results are also consistent with expectations about responses to in-group violence. When states that grant strong emergency discretion to the executive invoke a state of emergency, they experience a reduction in the number of terror attacks from domestic sources in the following year. I demonstrate this effect further in Figure IV.2. Although the substantive effect is not as large, this suggests that there is a distinction between foreign and domestic terror. Domestic terror is deterred by an increase in the ability of the executive to take unilateral action. Since the government does not face electoral incentives to over-respond to domestic terror events, they are not prone to the sort of overreaction that makes

preventing future terror attacks difficult. Instead, leaders provide a measured response that inhibits the ability for these groups and individuals to operate in the future.

Figure IV.2: Predicted Foreign Attacks



The controls produce a number of intuitive findings. As expected, states engaged in an ongoing rivalry and states with larger populations are more likely to experience terrorist attacks from both foreign and domestic sources. The measures of trade and GDP demonstrate that states that have a better economic health are more likely to be targets of attacks, perhaps since they have more to lose and are therefore more likely to compromise. Inequality, a key driver of domestic grievance, is also a strong predictor of the probability of a domestic terror attack, and does not influence the likelihood of a foreign attack.

The controls also produce a number of surprising findings. While the presence of an ongoing war predicts the likelihood of domestic terror, perhaps in response to the war or perhaps because the government is weakened or must divide its attention, it *decreases* the probability of a foreign terror attack. This is particularly surprising in light of arguments that transnational terror often arises out of spillover conflict [Enders et al., 2011]. As the number of veto players increases, scholars have suggested that this deadlock will inspire discontent in domestic groups, who will turn their frustration about the lack of government progress into violent outbursts. However, this is not the case here. As the number of veto players increases, the probability of a domestic terror attack is unchanged. Instead, foreign attacks increase, perhaps because increased veto players inhibits a government response that is sufficient to prevent future terror. Lastly, as the largest party holds a greater percentage of seats in the legislature, domestic terror is unchanged, suggesting that inclusion does

not prevent domestic terror. Instead, the probability of a foreign attack increases, which suggests a unified party is not constrained by the separation of powers and therefore more likely to respond with excessive force against terror groups.

The evidence is quite striking. Executive constraints are indeed an important predictor of the likelihood of future terror attacks against democratic states. However, there are differential effects for transnational and domestic terror. While an unconstrained executive reduces the probability of future domestic terror, a lack of constraint increases the probability of transnational terror. This is consistent with a theory that suggests that the public pushes for a more extreme response to out-group terror that is counterproductive to defeating those groups. It is further consistent with a theory that this same push is more tempered against in-group terror due to a decreased expectation of future violence and the politicization of the terror act. Since leaders take actions against terror groups that respond to electoral incentives, the outcome of their counter-terror tactics is not always objective progress.

#### **IV.7 Conclusion**

Scholars have devoted significant attention to the relationship between democratic institutions within the state and terrorism. However, institutional constraints provide only one facet of limitations on executive control. Much of the empirical literature does not incorporate the influence of one of the fundamental cornerstones of democracy – that leaders respond to electoral incentives. Dragu & Polborn (2014) is the key theoretical departure. However, there is great nuance to this relationship, since public response to terror is not uniform, and this chapter engages with this important point.

I argue that leaders make their policy choices regarding the response to terrorist groups not just based on their institutional constraints, but also on the will of the people. The unconstrained executive may face incentives to take actions that are overly repressive and counter-productive to counter-terror if the public demands greater security. However, the actions preferred by the public depend on whether the terror attack arises from the in-group or an out-group. For out-group or transnational terrorist violence, the public is united in their demands for increased security, which leads to executive overreaction that weakens counter-terror – the outcomes scholars expect for an unconstrained executive. However, for in-group or domestic terrorist violence, there is no such effect. Instead, the unconstrained executive, who is free from both structural and electoral constraints, can use this freedom to act decisively and better provide for the security of the nation. Thus, any discussion of executive constraint must also consider how the will of the public provides a substantial determinant of the actions of the executive.

## IV.8 Appendix

Table IV.2: Terrorist Attacks and Emergency Powers

	(1)	(2)
	Foreign Terrorist Attacks	Domestic Terrorist Attacks
Emergency Power Strength	0.595*** (0.0944)	0.318*** (0.101)
Veto Players	0.143*** (0.0509)	0.0640 (0.0531)
Population (Logged)	0.678*** (0.0756)	0.951*** (0.116)
Trade (%GDP)	0.0318*** (0.00402)	0.0132** (0.00627)
Polity Score	-0.00815 (0.142)	-0.102 (0.110)
Rivalry	2.044*** (0.232)	1.483*** (0.241)
% Seats Held by Largest Party	0.0659*** (0.00999)	0.000966 (0.0136)
Real GDP (Logged)	1.112*** (0.157)	1.541*** (0.201)
Inequality	0.0301** (0.0121)	0.0637*** (0.0157)
Ongoing War	-0.688* (0.364)	1.736*** (0.379)
Peace Years	-0.118 (0.111)	-0.456*** (0.145)
Democracy Years	0.0335 (0.0614)	-0.0289 (0.0485)
Constant	-29.08*** (2.665)	-29.12*** (3.611)
Observations	797	797
Duration Splines	Yes	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table IV.3: Emergency Powers and Terror Attacks: IV Analysis

	(1)	(2)
	Foreign Terrorist Attacks	Domestic Terrorist Attacks
Emergency Power Strength	1.005*** (0.285)	0.617** (0.304)
Veto Players	-0.0181 (0.0676)	0.0335 (0.0668)
Population (Logged)	0.436*** (0.138)	1.153*** (0.231)
Trade (%GDP)	0.0100* (0.00595)	0.00175 (0.00880)
Polity Score	-0.0106 (0.188)	-0.350*** (0.129)
Rivalry	2.373*** (0.322)	1.176*** (0.340)
% Seats Held by Largest Party	0.0884*** (0.0166)	-0.00927 (0.0249)
Real GDP (Logged)	0.818*** (0.219)	-0.158 (0.414)
Inequality	-0.0350 (0.0217)	0.000530 (0.0313)
Ongoing War	-0.399 (0.292)	2.371*** (0.343)
Constant	-20.03*** (3.591)	-13.68*** (4.209)
Observations	668	668

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

Table IV.4: Terror Attacks and Executive Power (Zero Inflated Binomial)

	(1) Foreign Attacks	(2) Domestic Attacks
State of Emergency (Lagged)	0.344 (0.339)	0.553 (0.347)
Emergency Power Strength	0.325*** (0.107)	0.302*** (0.117)
State of Emergency × Emergency Power Strength	0.815*** (0.303)	-0.366 (0.258)
Rivalry	1.977*** (0.259)	1.786*** (0.256)
Ongoing War	-1.191*** (0.404)	1.053** (0.433)
Population (Logged)	0.712*** (0.0823)	1.152*** (0.125)
Trade (%GDP)	0.0244*** (0.00442)	0.0179*** (0.00657)
Real GDP (Logged)	0.913*** (0.199)	1.631*** (0.217)
Inequality	0.0205 (0.0155)	0.0788*** (0.0156)
Polity Score	-0.252* (0.151)	-0.0930 (0.122)
Veto Players	0.111** (0.0521)	0.0404 (0.0492)
% Seats Held by Largest Party	0.0776*** (0.0119)	0.0150 (0.0130)
Constant	-25.80*** (3.097)	-34.36*** (3.728)
Observations	638	638
Duration Splines	Yes	Yes

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$



Figure IV.3: Zero Inflated: Predicted Foreign Attacks and Emergency Powers

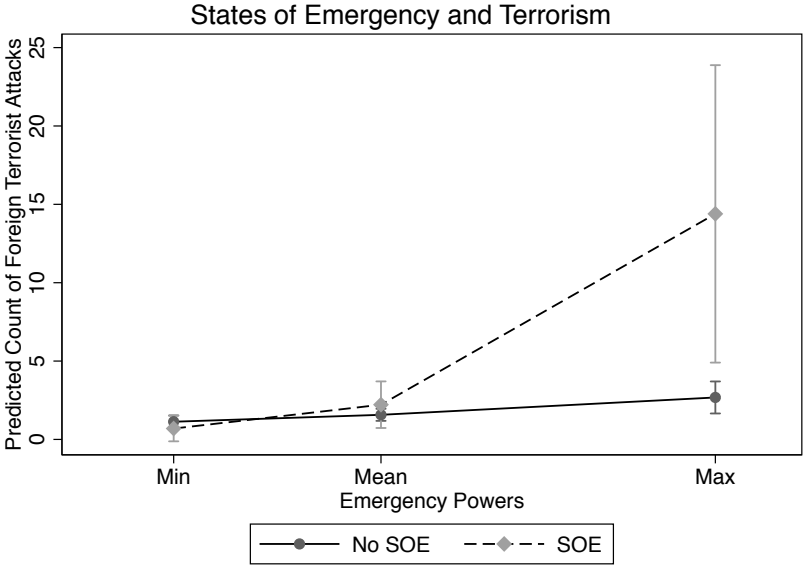


Figure IV.4: Zero Inflated: Predicted Domestic Attacks and Emergency Powers

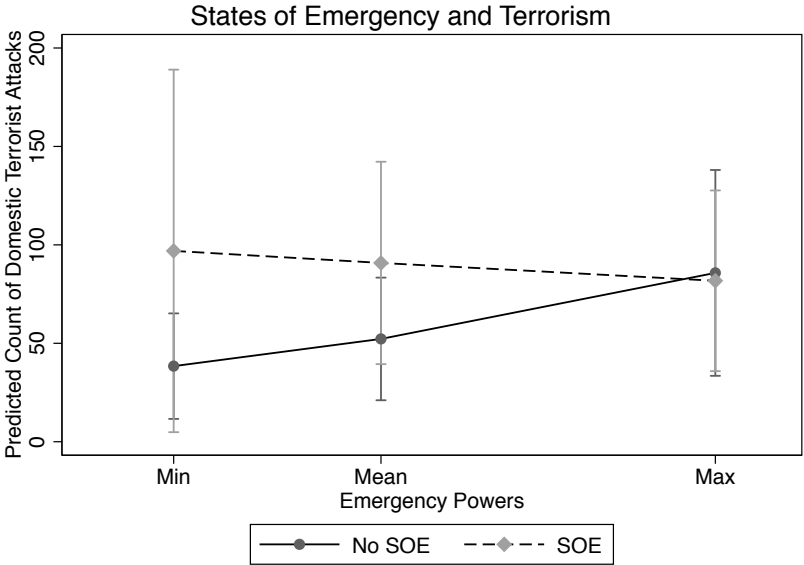


Figure IV.5: Zero Inflated: Predicted Foreign Attacks

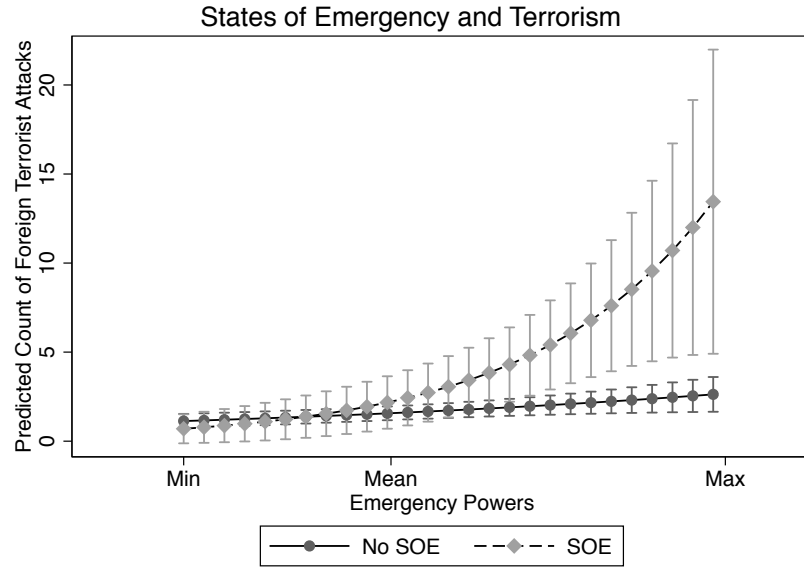


Figure IV.6: Zero Inflated: Predicted Domestic Attacks

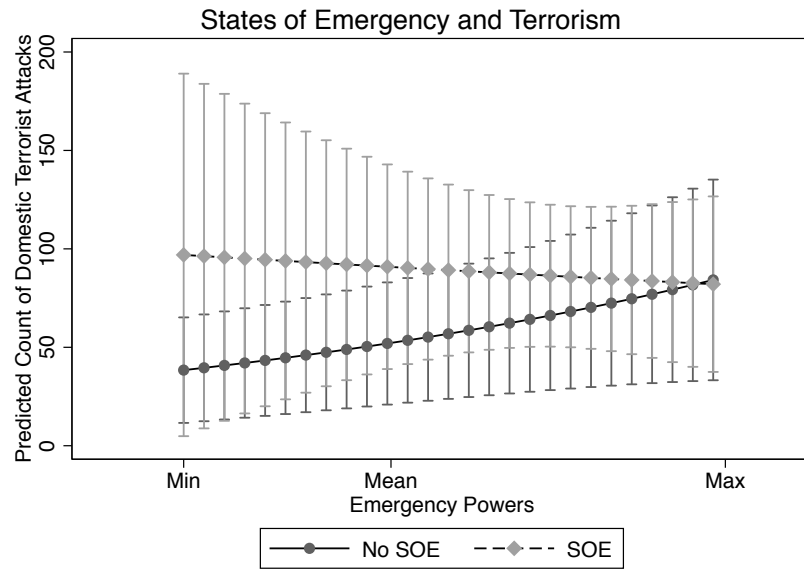


Table IV.5: Terror Attacks and Executive Power (Attack in Previous Year)

	(1)	(2)
	Foreign Attacks	Domestic Attacks
Declared SOE (Lagged)=1	0.166 (0.286)	0.515* (0.310)
Emergency Power Strength	0.467*** (0.110)	0.473*** (0.122)
Declared SOE (Lagged)=1 × Emergency Power Strength	0.628** (0.263)	-0.629** (0.246)
Veto Players	0.133** (0.0544)	0.0499 (0.0527)
Population (Logged)	0.432*** (0.0854)	0.746*** (0.130)
Trade (%GDP)	0.0163*** (0.00426)	0.00977 (0.00683)
Polity Score	-0.0675 (0.146)	0.0606 (0.108)
Rivalry	1.275*** (0.235)	1.217*** (0.257)
% Seats Held by Largest Party	0.0564*** (0.0110)	0.00152 (0.0132)
Real GDP (Logged)	0.656*** (0.183)	1.296*** (0.214)
Inequality	-0.00988 (0.0146)	0.0426*** (0.0157)
Ongoing War	-0.773** (0.394)	1.840*** (0.422)
Constant	-17.24*** (3.207)	-23.50*** (3.846)
Observations	577	577

Robust standard errors in parentheses

\*  $p < 0.10$ , \*\*  $p < 0.05$ , \*\*\*  $p < .01$

## CHAPTER V

### Conclusion

In this dissertation, I examine a previously unexplored institution within democratic states – emergency powers – that has become increasingly important in recent years. I begin with the first empirical study on the content of emergency powers. I collect information on each emergency provision within democratic states keying in on their key similarities and differences. I leverage this information by developing a measure of emergency power strength that can be used in future data analyses and I explore the characteristics of democratic states that make emergency provision adoption most likely, as well as the determinants of emergency power strength.

I then consider several ways in which emergency powers may be important for political outcomes that result in violence. I examine how emergency powers influence bargaining between states over a disputed issue. I find that emergency power strength is directly related to an increased likelihood of violent conflict between states, even when I apply the most stringent measures to avoid a spurious finding. The, following the project's motivating example, I explore the relationship between declared states of emergency and terrorist violence. I show how emergency provisions influence the likelihood of future terror attacks, and find that there are differential effects for domestic and transnational terror.

The potential implications of emergency powers stretch far beyond the work presented here. Scholars of human rights can examine how executive constraints during times of crisis can lead to human rights abuses. Scholars of domestic political competition may consider how emergency provisions allow leaders to circumvent the traditional domestic political bargaining process. Scholars of public opinion can examine how the legally defined emergency powers reflect or affect the public's willingness to accept certain government measures in real world or experimental settings. Scholars of natural disasters can examine how emergency provisions may dictate the government's preparedness for or responsiveness to disasters. The possibilities stretch across many areas of study in political science and encompass a variety of potential methodologies.

This process can additionally provide an impetus for scholars to examine new institutions within democratic states, following a wave of scholarly attention to variation in institutions within as well as across regime types [Lindberg et al., 2014]. In particular, this project stresses the role of the constitutions within democracies as an institution<sup>1</sup> and provide a template for scholars to study other aspects of constitutions in democracies, to understand their impact on conflict decisions, foreign policy, domestic policy, and government decision-making more generally.

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<sup>1</sup>To some extent, the examination of democratic constitutions has already begun [Elkins et al., 2009; Eisenstadt et al., 2015].

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